

MITIGATION MONITORING PROGRAM

1 MITIGATION MEASURES

The following mitigation measures have been identified in the Initial Study/Mitigated Negative Declaration to ensure that the Project's environmental impacts would be less than significant:

Cultural Resources

ARCHEO-1 If any archaeological materials are encountered during the course of Project development, all further development activity in the vicinity of the materials shall halt and:

- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact;
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource; and
- The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report
- Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

SCCIC Department of Anthropology
McCarthy Hall 477
CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

- Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.

- A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to the issuance of a grading permit.

Geology and Soils

PALEO-1 If paleontological resources are encountered, the Applicant shall area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits shall be treated in accordance with federal, state, and local guidelines, including those set forth in PRC Section 5097.5.

Tribal Cultural Resources

TCR-1 Prior to commencing excavating, clearing, grubbing, potholing, and grading activities ("Ground Disturbance Activities") at the Project Site, the Applicant shall retain a qualified tribal monitor that is qualified to monitor Ground Disturbance Activities to identify subsurface potential tribal cultural resources. Any qualified tribal monitor shall be approved by the Gabrielino Tongva Indians of California.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities, all such activities shall temporarily cease as set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all Ground Disturbance Activities area of discovery within a radius of 60 feet until the potential tribal cultural resource is properly assessed and addressed. Work shall be allowed to continue outside of the buffer area.
2. In consultation with the tribal monitor, if the City determines based on substantial evidence that pursuant to California Public Resources Code Section 21074(a)(2), the object or artifact appears to be a tribal cultural resource, the City shall provide any affected tribe a reasonable period of time, not less than three days, to conduct a site visit and make recommendations to the Applicant and the City regarding the treatment and disposition of any discovered tribal cultural resources.
3. In the event a tribal cultural resource that is significant under California Public Resources Code Section 21074(a)(2) is found, the City shall determine if that the tribe's recommendations at to treatment is reasonable and feasible. If so, the Applicant shall give good faith

consideration to such recommended treatment of the tribal cultural resource.

4. If the Applicant does not accept a particular recommendation, the Applicant may request mediation by a mediator agreed to by the Applicant and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute as determined by the City.
5. After making a reasonable effort to mediate a dispute, the City may require implementation of (1) the treatment as originally proposed; (2) a modified or substitute treatment that is at least as effective to mitigate a potentially significant impact; (3) no treatment if it is not necessary to mitigate a significant impact to tribal cultural resources.
6. The Applicant shall pay all costs and fees associated with the mediation.
7. The Applicant may recommence ground disturbance activities inside of the 60-foot radius after it has complied with all of the recommendations developed and approved as set forth in the above paragraphs.

TCR-2 If human remains are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease. The Applicant shall notify the County Coroner (per§ 7050.5 of the California Health and Safety Code). The provisions of§ 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains.

2 MITIGATION MONITORING

The monitoring and reporting on the implementation of the mitigation measures identified above, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 1.

Table 1
Mitigation Monitoring Program

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>ARCHEO-1 If any archaeological materials are encountered during the course of Project development, all further development activity in the vicinity of the materials shall halt and:</p> <ul style="list-style-type: none"> The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact; The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource; and The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report Project development activities may resume once copies of the archaeological survey, study or report are submitted to: <p>SCCIC Department of Anthropology McCarthy Hall 477 CSU Fullerton 800 North State College Boulevard Fullerton, CA 92834</p> <ul style="list-style-type: none"> Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered. 	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>Construction, during the Project's ground-disturbing activities.</p>	<p>Date:</p> <p>Name & Title:</p>

Table 1
Mitigation Monitoring Program

Measure	Enforcement Agency	Monitoring Phase	Verification
<ul style="list-style-type: none"> A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to the issuance of a grading permit. 			
PALEO-1 If paleontological resources are encountered, the Applicant shall area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits shall be treated in accordance with federal, state, and local guidelines, including those set forth in PRC Section 5097.5.	Planning Department <i>(Applicant is responsible for implementation.)</i>	Construction, during the Project's ground-disturbing activities.	Date: Name & Title:
TCR-1 Prior to commencing excavating, clearing, grubbing, potholing, and grading activities ("Ground Disturbance Activities") at the Project Site, the Applicant shall retain a qualified tribal monitor that is qualified to monitor Ground Disturbance Activities to identify subsurface potential tribal cultural resources. Any qualified tribal monitor shall be approved by the Gabrielino Tongva Indians of California. In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities, all such activities shall temporarily cease as set forth below: 1. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all Ground Disturbance Activities area of discovery within a radius of 60 feet until the potential tribal cultural resource is properly assessed and addressed. Work shall be allowed to continue outside of the buffer area. 2. In consultation with the tribal monitor, if the City determines based on substantial evidence	Planning Department <i>(Applicant is responsible for implementation.)</i>	Construction, prior to issuance of grading permit and throughout the Project's ground-disturbing activities.	Date: Name & Title:

Table 1
Mitigation Monitoring Program

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>that pursuant to California Public Resources Code Section 21074(a)(2), the object or artifact appears to be a tribal cultural resource, the City shall provide any affected tribe a reasonable period of time, not less than three days, to conduct a site visit and make recommendations to the Applicant and the City regarding the treatment and disposition of any discovered tribal cultural resources.</p> <p>3. In the event a tribal cultural resource that is significant under California Public Resources Code Section 21074(a)(2) is found, the City shall determine if that the tribe's recommendations at to treatment is reasonable and feasible. If so, the Applicant shall give good faith consideration to such recommended treatment of the tribal cultural resource.</p> <p>4. If the Applicant does not accept a particular recommendation, the Applicant may request mediation by a mediator agreed to by the Applicant and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute as determined by the City.</p> <p>5. After making a reasonable effort to mediate a dispute, the City may require implementation of (1) the treatment as originally proposed; (2) a modified or substitute treatment that is at least as effective to mitigate a potentially significant impact; (3) no treatment if it is not necessary to mitigate a significant impact to tribal cultural resources.</p> <p>6. The Applicant shall pay all costs and fees associated with the mediation.</p> <p>7. The Applicant may recommence ground disturbance activities inside of</p>			

Table 1
Mitigation Monitoring Program

Measure	Enforcement Agency	Monitoring Phase	Verification
the 60-foot radius after it has complied with all of the recommendations developed and approved as set forth in the above paragraphs.			
TCR-2 If human remains are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease. The Applicant shall notify the County Coroner (per§ 7050.5 of the California Health and Safety Code). The provisions of§ 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains.	<i>Planning Department</i> <i>(Applicant is responsible for implementation.)</i>	Construction, during the Project's ground-disturbing activities.	Date: Name & Title: