MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Mitigation Monitoring and Reporting Programs (MMRPs) are required by the California Environmental Quality Act (CEQA) Section 21081.6 to be adopted by CEQA Lead Agencies for projects having the potential to cause significant environmental impacts. The MMRP describes changes to the project or conditions of project approval that mitigate or avoid the project's potential significant effects on the environment. This MMRP addresses the Buccaneer Lift Station and Force Main Project (project). The project is located within the City of Oceanside (City) and would involve the diversion of wastewater flows from the existing La Salina Wastewater Treatment Plant (LSWWTP) at 1330 Tait Street in Oceanside, which is past its useful life. Flows would be diverted to the San Luis Rey Water Reclamation Facility (SLRWRF) via the new Buccaneer Lift Station and Force Main. The project site consists of a total of 41.7 acres, including the 8.7-acre LSWWTP site; right-of-way along an approximately 2.5-mile stretch of Oceanside Boulevard between Pacific Street and Garrison Street; right-of-way along an approximately 0.5-mile stretch of Garrison Street between Oceanside Boulevard and Mesa Drive; right-of-way along Godfrey Street, Tait Street, and Crosswaithe Street; and a staging area along Oceanside Boulevard, east of El Camino Real. The City is the Lead Agency under CEQA and has discretionary authority over the project.

MMRP FORMAT AND IMPLEMENTATION

Mitigation measures that would reduce or eliminate potential environmental impacts of the project are identified in the project's Final Initial Study and Mitigated Negative Declaration (IS/MND). These mitigation measures will become conditions of approval if the project is approved. The City is required to verify that all adopted mitigation measures are implemented properly and this MMRP has been formulated to ensure compliance. The MMRP shall be adopted, along with CEQA Findings and Statement of Overriding Considerations, by the City (Lead Agency) and must be administered by City personnel. Specific responsibilities are delineated for each measure in the attached checklist table and these responsibilities may be delegated to qualified City staff, consultants, or contractors.

The checklist that follows is intended to be used by City personnel, the City's designated representatives, and construction contractors as the appointed mitigation implementation and monitoring entities. Information contained within the checklist clearly identifies each mitigation measure, defines the conditions required to verify compliance, and delineates the monitoring schedule. The following is an explanation of the columns that constitute the MMRP checklist.

Column 1 — *Mitigation Measure*: An inventory of each mitigation measure is provided.

Column 2 — *Implementation Schedule*: As scheduling is dependent upon the progression of the overall project, specific dates are not provided. Instead, scheduling describes a logical succession of events (e.g., pre-construction, prior to issuance of permits, etc.) and, if necessary, delineates a follow-up program.

Column 3 — *Monitoring Responsibility*: Identifies what entities are responsible for determining compliance with each mitigation measure (e.g., City Division, Construction Contractor, Qualified Specialist, etc.).

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
Biological Resources		
MM BIO-1: Sensitive Animal Species Monitoring. **MM BIO-1a: All Avian Species.** Pre-construction survey(s) shall be conducted by a USFWS-permitted biologist as follows: • For California least tern within 72 hours prior to the commencement of construction activities at the LSWWTP; • For California least tern, light-footed Ridgway's rail, Belding's savannah sparrow, and white-faced ibis within 72 hours prior to the commencement of construction activities within 500 feet of the southern boundary of the LSWWTP site; and • For Southern California rufous-crowned sparrow and Coastal California gnatcatcher within 72 hours prior to the commencement of construction activities or within 500 feet of the northeastern quadrant of Oceanside Boulevard and El Camino Real intersection. If an active nest of a sensitive animal species or species protected by the California Fish and Game Code Section 3503 is identified, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within a specific distance appropriate to the sensitivity of the species to be determined in consultation with the CDFW (typically 300 feet for most species and up to 500 feet for raptors), or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. Limits of construction around active nests shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of active nest areas. The monitoring biologist shall halt construction activities until it is determined that the construction activities would not disturb or disrupt nesting activities. A noise mitigation plan shall be developed by the contractor in coordination with the monitoring biologist and, upon approval by the City, implemented to demonstrate that construction noise levels will be reduced to acceptable noise levels at the nest site(s). The monitoring biologist shall make practicable recommendations based on the approved noise mitigation plan to reduce the noise or disturbance in the vicinity of the active nests or birds.	Pre-Construction; During Construction	City of Oceanside or its Designated Representative(s); Qualified Biologist

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
This may include recommendations such as (1) turning off vehicle engines and other equipment wherever possible to reduce noise; (2) working in other areas until the young have fledged; and (3) utilizing alternative construction methods and technologies to reduce the noise of construction equipment (such as noise attenuation barriers). The monitoring biologist shall review and certify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the City. **MM BIO-1b: Light-footed Ridgway's Rail Avoidance and Monitoring.** Take of light-footed Ridgway's rail shall be fully avoided in accordance with Section 3511 of the California Fish and Game Code. To the extent feasible, project activities within 500 feet of suitable native wetland and riparian habitats (e.g., Loma Alta Creek) shall occur between September 16 and March 14 to avoid the breeding season for light-footed Ridgway's rail. For project activities at any time of year, a qualified biologist shall be present on site to conduct pre-activity surveys, monitor for light-footed Ridgway's rail, and monitor project-generated noise levels during all work within 500 feet of marsh habitat. If project-generated noise exceeds 30 dBA above ambient noise levels at suitable or occupied rail habitat, or if the qualified biologist determines project activities are causing behavioral disturbance or may result in take of light-footed Ridgway's rail, project activities shall immediately cease or be modified as necessary to avoid take. Modifications may include implementation of noise attenuation, temporary cessation of particular noisy activities, changes to construction methods or equipment, limited operating periods, or other avoidance measures determined necessary by the qualified biologist. No flushing of rail shall be authorized. The qualified biologist shall have the authority to stop work whenever necessary to avoid take of the species. **MM-BIO-1c: California Least Tern Avoidance and Monitoring.** Take of California least tern shall be fully avoided in accordance with Section 3511 of the California Fish and Game Code. To the extent feasible, project activities within 500 feet of suitable nesting habitat shall be conducted outside of the California least tern breeding season (April 1 through September 15). If work during the breeding season cannot be avoided, preconstruction surveys shall be conducted by a qualified biologist. If California least tern nesting activity is detected within or		

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
adjacent to the project area, project activities shall be modified, delayed, or suspended as necessary to avoid take of the species. The qualified biologist shall have the authority to stop work if deemed necessary for any reason to protect the species. Additional avoidance measures such as noise attenuation or work restrictions may be required in consultation with CDFW to ensure take of California least term does not occur.		
MM BIO-2: Nighttime Lighting. Prior to the issuance of nighttime construction permits for the Buccaneer Force Main for activities occurring within 500 feet of suitable habitat for the coastal California gnatcatcher, the southern California rufous-crowned sparrow, California least tern, or light-footed Ridgeway's rail as determined by a qualified biologist, the project contractor shall submit construction lighting plans to the City's Public Works Director that shall demonstrate that lighting would be shielded and directed away from off-site habitat located northeast of the intersection of El Camino Real and Oceanside Boulevard. All project grading permits, improvement plans, and final maps shall incorporate the above requirements.	Prior to Issuance of Construction Permits	City of Oceanside or its Designated Representative(s); Project Contractor
MM BIO-3: **Nesting Bird and Raptor Avoidance**. Prior to initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) during the general nesting bird season for migratory birds and raptors (January 15 to September 15), the City shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and California Fish and Game Code. The pre-construction survey shall be performed no more than three (3) days before the commencement of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. The survey will remain valid while active construction is occurring. If construction is suspended for more than three (3) days after completion of the nesting bird survey during the general breeding bird season, the survey shall be repeated before work activities can resume. If the qualified biologist determines that an active migratory bird or raptor nest is present, a buffer will be established, and no impacts shall occur within 300 feet of the nest (500 feet for raptors) until the young have fledged and the nest is confirmed to no longer be active, as determined by the qualified biologist. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nests or birds. This may include recommendations such as (1) turning off vehicle engines and other equipment wherever	Prior to Grading and Vegetation Removal; During Construction and Grading	City of Oceanside or its Designated Representative(s); Qualified Biologist

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
possible to reduce noise; (2) working in other areas until the young have fledged; and (3) utilizing alternative construction methods and technologies to reduce the noise of construction equipment (such as noise attenuation barriers).		
MM BIO-4: Regulatory Permitting. Before any project impacts to potentially jurisdictional resources, the City shall demonstrate that regulatory permits from USACE, RWQCB, and/or CDFW have been issued or that no such permits are required. The City shall follow any required compensatory mitigation conditions contained within the permit(s) to offset impacts to the ephemeral drainage, as applicable. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and/or CDFW, as appropriate.	Pre-Construction	City of Oceanside or its Designated Representative(s); USACE, RWQCB, and/or CDFW
Cultural Resources and Tribal Cultural Resources		
MM CUL-1: Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the "Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseno Tribe". A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the "TCA Native American Monitor associated with a TCA Luiseno Tribe" for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. At the discretion of the Luiseño Native American Monitor, artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36CFR79.	Prior to Issuance of Grading Permit	City of Oceanside or its Designated Representative(s); TCA Native American Monitor associated with a TCA Luiseno Tribe

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
MM CUL-2: Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.	Prior to Issuance of Grading Permit	City of Oceanside or its Designated Representative(s); Luiseño Native American Monitor; Qualified Archaeologist; Construction Contractor
MM CUL-3: The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.	Pre-Construction; During Ground Disturbing Activity	City of Oceanside or its Designated Representative(s); Luiseño Native American Monitor; Qualified Archaeologist; Applicant/Owner or Grading Contractor
MM CUL-4: The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American Monitor shall be present on-site full-time during grubbing, trenching, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or tribal cultural resources within areas of moderate or high archaeological sensitivity (see Figure 6). All fill materials shall be absent of any and all tribal cultural resources.	Pre-Construction; During Grubbing, Trenching, Grading and/or Other Ground Disturbing Activities	City of Oceanside or its Designated Representative(s); Luiseño Native American Monitor; Qualified Archaeologist; Construction Contractor

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
MM CUL-5: The Qualified Archaeologist or the Luiseño Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthed tribal cultural resource, artifact deposits, or cultural features are considered potentially significant, the TCA Luiseño Tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Luiseño Tribe shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Luiseño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.	During Ground Disturbing Activity	City of Oceanside or its Designated Representative(s); Luiseño Native American Monitor; Qualified Archaeologist

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
MM CUL-6: The landowner shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.	During Ground Disturbing Activity	City of Oceanside or its Designated Representative(s); Landowner; TCA Luiseño Tribe(s); Qualified Archaeologist
MM CUL-7: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.	Prior to Release of Grading Bond	City of Oceanside Planning Division; Luiseño Native American Monitor; Qualified Archaeologist
MM CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location near where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact	During Construction or Archaeological Work	City of Oceanside or its Designated Representative(s); Person Responsible for the Excavation; San Diego County Office of the Medical Examiner; Luiseño Native American Monitor

Mitigation Measure	Implementation Schedule	Monitoring Responsibility
the NAHC within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.		
Hazards and Hazardous Materials		
MM HAZ-1: The City or its contractor will prepare a Hazardous Materials Management Plan for appropriate handling of potentially contaminated soil to be implemented during construction. Workers will be trained to identify and recognize potentially hazardous materials (e.g., visual evidence of staining or discoloration). If hazardous materials are found or an unknown material is encountered that could potentially be hazardous, the contractor will stop work on the area immediately and notify appropriate safety representatives. If the monitoring procedures indicate that soil is potentially contaminated, procedures for segregation, sampling, and chemical analysis of the soil will be implemented. These procedures will follow USEPA and DTSC regulations for handling contaminated soil. As required based on regulations in place at the time of construction, contaminated soil will be profiled for disposal and will be transported to an appropriate hazardous or non-hazardous waste or recycling facility licensed to accept and treat the type of waste indicated by the profiling process. If these processes generate contaminated groundwater that must be disposed of outside of the dewatering/NPDES process (in accordance with USEPA and RWQCB regulations in place at the time of construction), the groundwater will be profiled, manifested, hauled, and disposed of in accordance with USEPA and RWQCB regulations.	Prior to Issuance of Notice to Proceed; During Construction	City of Oceanside or its Designated Representative(s); Construction Contractor

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