

## 5.5 MITIGATION MONITORING PROGRAM

### Cultural Resources

#### ARCHEO-1: Inadvertent Discovery of Archaeological Resources

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 the following:

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.
  - **Enforcement Agency:** Department of City Planning
  - **Monitoring Agency:** Department of City Planning
  - **Monitoring Phase:** Construction
  - **Monitoring Frequency:** Once during ground-distrubing activities; once after ground-distrubing activities
  - **Action Indicating Compliance:** Issuance of Grading Permit; Issuance of Building Permit

### Geology and Soils

**PALEO-1:** If paleontological resources are encountered, the Applicant would be required to notify the Building Safety Division immediately, and all work shall cease in the 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 would be treated in accordance with federal, state, and local guidelines, including those set forth in PRC Section 5097.5.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after ground-disturbing activities
- **Action Indicating Compliance:** Submission of compliance report by Monitor

### **Tribal Cultural Resources**

**TCR-1:** Prior to the start of construction, a Qualified representative, procured by the Fernandeno Tataviam Band of Mission Indians and retained by the Project Applicant, shall conduct a Tribal Cultural Resources Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the aspects of Tribal Cultural Resources and the procedures for notifying the Fernandeno Tataviam Band of Mission Indians should Tribal Cultural Resources be discovered by construction staff. Training can be done in conjunction with Cultural Resources WEAP training, if such training is requested by the project's archaeologist.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once before issuance of Grading Permit
- **Action Indicating Compliance:** Field inspection sign-off by Monitor

**TCR-2:** A Treatment and Disposition Plan (TDP) shall be established, in consultation with the Fernandeno Tataviam Band of Mission Indians, prior to the commencement of any and all ground-disturbing activities for the Project, including any archaeological testing. The TDP will provide details regarding the process for in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendant (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once before issuance of Grading Permit
- **Action Indicating Compliance:** Field inspection sign-off by Monitor

**TCR-3:** If cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards retained by the project applicant shall assess the find. Work on the portions of the Projects outside of the buffered area may continue during this

assessment period. The Fernandeano Tataviam Band of Mission Indians shall be contacted about any pre-contact and/or post-contact finds and be provided information after the archaeologist makes their initial assessment of the nature of the find, to provide Tribal input with regards to significance and treatment. The Lead Agency and/or applicant shall, in good faith, consult with the Fernandeano Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during all ground-disturbing activities.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** As needed during ground-disturbing activities
- **Action Indicating Compliance:** Field inspection sign-off by Monitor

**TCR-4:** If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the Project. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the MLD, as determined by the NAHC, should those findings be determined as Native American in origin.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** As needed during ground-disturbing activities
- **Action Indicating Compliance:** Field Inspection sign-off by Monitor

**TCR-5:** The Project Applicant shall retain a professional Tribal Monitor procured by the Fernandeano Tataviam Band of Mission Indians to observe the first (5) days of scheduled activities which include clearing, grubbing, and grading operations. Tribal Monitoring Services will continue until confirmation is received from the project applicant, in writing, that all scheduled activities pertaining to Tribal Monitoring are completed. If the Project's scheduled activities require the Tribal Monitor(s) to leave the Project for a period of time and return, confirmation shall be submitted to the Tribe by project applicant, in writing, upon completion of each set of scheduled activities and 5 days notice shall be submitted to the Tribe by Client, in writing, prior to the start of each set of scheduled activities. If cultural resources are encountered, the Tribal Monitor will have the authority to request ground-disturbing activities cease within 60 feet of the discovery to assess and document potential finds in real-time. A qualified archaeologist meeting Secretary of Interior standards shall also assess the find. Should the find be deemed significant, as defined by CEQA (as amended, 2015), the Project applicant shall retain a professional Tribal Monitor procured by the Fernandeano Tataviam Band of Mission Indians to observe all remaining ground-disturbing activities including, but not limited to, clearing, grading, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, leveling, driving posts, auguring, blasting, stripping topsoil or similar activity, and archaeological work.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Periodically during ground-disturbing activities

- **Action Indicating Compliance:** Issuance of Grading Permit; Field Inspection sign-off by Monitor

**TCR-6:** The project applicant shall retain a professional Tribal Monitor procured by the Fernandefio Tataviam Band of Mission Indians to spot-check all ground-disturbing activities including, but not limited to, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, clearing, driving posts, auguring, blasting, stripping topsoil or similar activity once weekly for the total duration of such soil disturbing activities. Tribal Monitoring Services will continue until confirmation is received from the project applicant, in writing, that all scheduled activities pertaining to Tribal Monitoring are completed. If the Project's scheduled activities require the Tribal Monitor(s) to leave the Project for a period of time and return, confirmation shall be submitted to the Tribe by the project applicant, in writing, upon completion of each set of scheduled activities and 5 days notice shall be submitted to the Tribe by Client, in writing, prior to the start of each set of scheduled activities. If cultural resources are encountered, the Tribal Monitor will have the authority to request that ground-disturbing activities cease within 60 feet of discovery and a qualified archaeologist meeting Secretary of Interior standards, retained by the project applicant, as well as the Tribal Monitor, shall assess the find. Should the find be deemed significant, as defined by CEQA (as amended, 2015), the Project applicant shall retain a professional Tribal Monitor procured by the Fernandefio Tataviam Band of Mission Indians to observe all remaining ground-disturbing activities including, but not limited to, clearing, grading, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, leveling, driving posts, auguring, blasting, stripping topsoil or similar activity, and archaeological work.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Periodically during ground-disturbing activities
- **Action Indicating Compliance:** Issuance of Grading Permit; Field Inspection sign-off by Monitor