

## **MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GARRISON STREET OCEANSIDE PROJECT**

The California Environmental Quality Act (CEQA) Guidelines Section 156074(d) requires that when adopting a Mitigated Negative Declaration (MND), the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects. The Mitigation Monitoring and Reporting Plan (MMRP) specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The Initial Study/Environmental Checklist and MND (IS/MND) prepared for the Garrison Street Oceanside Project (project), incorporated herein as referenced, found the following issues to be potentially significant: biological resources, cultural and tribal cultural resources, and paleontological. The issues found to be significant for each issue are summarized below.

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Potentially Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<b>BIOLOGICAL RESOURCES</b>			
<p><b>Sensitive habitat or special status species:</b> As detailed in Section 14.4(a) of the IS/MND, Biological Resources, the project would result in significant direct impacts 0.113 acres of disturbed Diegan coastal sage scrub and 0.001 acres of Diegan coastal sage scrub. Additionally, the project site could support rare plants, including thread-leaved brodiaea.</p>	<p>BIO-1 Coastal Sage Scrub Mitigation:</p> <p>Prior to construction, the permanent loss of approximately 0.0039 acres of disturbed coastal sage scrub within the Wildlife Corridor Planning Zone (WCPZ) and south of SR-76 shall be mitigated at a ratio of 3:1 for a total of 0.117 acres of replacement habitat. The habitat mitigation will be provided either by conservation, restoration, and/or enhancement of coastal sage scrub habitat within the WCPZ and south of SR-76, if possible. If not possible, habitat mitigation will be provided within the WCPZ as the second priority, and within the City of Oceanside as the third priority. Conservation, restoration or enhancement of coastal sage scrub habitat will be provided either on-site, if feasible, or off-site at a City-approved mitigation bank and/or as directed by the City.</p>	<p>Prior to the issuance of any land development permits or development activities conserved land will be identified. Habitat restoration will be ongoing concurrent with project construction.</p>	<p>City of Oceanside</p>
	<p>BIO-2 General Construction Measures for Biological Resources:</p> <ol style="list-style-type: none"> <li>1. The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed in a manner that does not impact habitats to be preserved. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced area shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.</li> <li>2. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.</li> <li>3. The Applicant shall ensure that the following conditions are implemented during project construction:               <ol style="list-style-type: none"> <li>a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;</li> </ol> </li> </ol>	<p>Prior to the issuance of any land development permits or development activities.</p>	<p>City of Oceanside</p>

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	<ul style="list-style-type: none"> <li>b. To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the project site;</li> <li>c. Pets of project personnel shall not be allowed on the project site;</li> <li>d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks;</li> <li>e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States and shall be shown on the construction plans.</li> </ul> <p>4. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.</p> <p>5. If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats.</p> <p>6. The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capewed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from the California Invasive Plant Council's website or other similar sources that may evolve over the life of this plan. In addition, "No</p>		

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	fueling zones" shall be designated on construction plans. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to the Preserve and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats. Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/ enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Agencies that these pests already occur in natural areas around the project site. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.		
	<p>BIO-3 Rare Plant Survey:</p> <p>Prior to construction, a qualified biologist shall determine rare plant species with potential to occur and conduct a rare plant survey during the appropriate seasons within portions of the project site/grading area determined to have the potential to support rare plants. If rare plants are detected during the survey, they should be avoided to the maximum extent feasible. If threatened or endangered plants, such as thread-leaved brodiaea, are detected during the survey, the project proponent or representative shall consult with the applicable wildlife agencies to determine appropriate mitigation.</p>	Prior to the issuance of any land development permits or development activities.	City of Oceanside
<b>Nesting, Breeding, or Migratory Birds:</b> As detailed in Section 14.4(d), Biological Resources, of the IS/MND, nesting raptors and other nesting native birds protected under the Migratory Bird Treaty Act and	<p>BIO-4 Migratory Bird and Raptor Nest Buffers:</p> <p>The project applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that</p>	Prior to the issuance of any land development permits or development activities during the breeding season, defined as February 15 to August 15	City of Oceanside

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<p>California Fish and Game Code may be directly impacted by ground disturbance and the removal of vegetation and structures on the project site as well as indirectly impacted by noise disturbance.</p>	<p>have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31). Human disturbance shall be restricted around documented nesting habitat during the breeding season based on the following: To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant will contact the City and Wildlife Agencies to determine the appropriate buffer.</p>	<p>non-raptor birds and January 15 to August 31 for raptor species.</p>	
	<p>BIO-5 Biological Monitor:  A monitoring biologist shall be on site during initial clearing and grubbing of all native habitats to ensure compliance with all conservation measures. The biologist must be knowledgeable of the covered species biology and ecology. The biological monitor should flush birds out of habitat areas before they are cleared. The biological monitor shall prepare periodic construction monitoring reports and a post-construction report to document compliance.</p>	<p>Throughout all development activities including clearing or grubbing and grading permits.</p>	<p>City of Oceanside</p>

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<b>CULTURAL AND TRIBAL CULTURAL RESOURCES</b>			
<p><b>Archeological Resources (Tribal and non-Tribal):</b> As detailed in Sections 14.5(b), 14.18(a), and 14.18(b) of the IS/MND, due to the possibility that undisturbed and unrecorded archaeological resources, including tribal cultural resources, could be discovered during grading activities, impacts to cultural resources from ground disturbance could be significant.</p>	<p><b>CUL-1 Tribal Cultural Monitoring:</b></p> <p>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 Luiseño Tribe” and “Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Cupeño Tribe.” Both monitors shall be retained unless one tribe defers to another. A copy of the agreements 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 “Traditionally and Culturally Affiliated (TCA) Native American Monitors associated with a TCA Luiseño Tribe” and “Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Cupeño 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 and/or Cupeño Native American Monitor(s), 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 36 CFR 79.</p>	<p>Prior to the issuance of any land development permits and throughout grading activities.</p>	<p>City of Oceanside/ Tribal Representatives</p>
	<p><b>CUL-2 Archeological Monitoring:</b></p> <p>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 and/or Cupeño 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. Both monitors shall be retained unless one tribe defers to another.</p>	<p>Prior to the issuance of any land development permits and throughout grading activities.</p>	<p>City of Oceanside/ Tribal Representatives</p>

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	<p>CUL-3 Monitoring Collaboration:</p> <p>The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño and/or Cupeño Native American monitor during all ground disturbing activities. Both monitors shall be retained unless one tribe defers to another. 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.</p>	Prior to the issuance of any land development permits and throughout grading activities.	City of Oceanside/ Tribal Representatives
	<p>CUL-4 Pre-construction Meetings:</p> <p>The Qualified Archaeologist and Luiseño and/or Cupeño Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. Both monitors shall be retained unless one tribe defers to another. The Qualified Archaeologist as well as the and Luiseño Native American Monitor and the Cupeño Native American Monitor, unless one tribe defers to another, shall be present on-site full time during grubbing, 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. All fill materials shall be absent of any and all tribal cultural resources.</p>	Prior to the issuance of any land development permits.	City of Oceanside/ Tribal Representatives
	<p>CUL-5 Controlled Grade Procedure:</p> <p>In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the Luiseño and/or Cupeño Native American monitor, other TCA Luiseño and/or Cupeño Tribes that have participated in the state-prescribed process for this project, and the Applicant/ Owner, subject to the approval of City representatives. Both tribes shall be consulted unless one tribe defers to another. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño and/or Cupeño Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include,</p>	Prior to the issuance of any land development permits.	City of Oceanside/ Tribal Representatives

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	but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.		
	<p>CUL-6 Discovery of Resources:</p> <p>The Qualified Archaeologist or the Luiseño and/or Cupeño Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Both monitors shall be retained unless one tribe defers to another. 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 and/or Cupeño Native American monitor(s) determine that the unearthed tribal cultural resource, artifact deposits or cultural features are considered potentially significant, TCA Luiseño and/or Cupeño Tribes that have participated in the state-prescribed consultation process for this project 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 and/or Cupeño Tribes that have participated in the state-prescribed consultation process for this project 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 and/or Cupeño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño and/or Cupeño Native American monitor(s) must be present during any testing or cataloging of those resources. Moreover, if the Qualified</p>	Prior to the issuance of any land development permits and throughout grading activities.	City of Oceanside/ Tribal Representatives

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	Archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño and/or Cupeño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Luiseño and/or Cupeño 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 and/or Cupeño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.		
	<p>CUL-7 Treatment of Discovered Tribal and Non-tribal Resources:</p> <p>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 and/or Cupeño 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. Historic-era cultural resources (non-tribal items over 50 years old) unearthed during mitigation monitoring shall be cataloged, analyzed in the monitoring report, and curated at a local repository meeting the federal standards of 36 CFR 79.</p>	Prior to the issuance of any land development permits and throughout grading activities.	City of Oceanside/ Tribal Representatives
	<p>CUL-8 Monitoring Report:</p> <p>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 and/or Cupeño Native American monitor(s) notes and comments, to the City of Oceanside Planning Division for approval.</p>	Prior to the release of the grading bond.	City of Oceanside

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<p><b>Human Remains:</b> As detailed in Section 14.5(c) of the IS/MND, human remains could be encountered during grading activities, resulting in a direct impact.</p>	<p>CUL-9 Human Remains:</p> <p>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 in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño and/or Cupeño Native American monitor(s). 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 the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.</p>	<p>Prior to the issuance of any land development permits and throughout grading activities.</p>	<p>City of Oceanside</p>
<p><b>Paleontological Resources:</b> As detailed in Section 14.7(f) of the IS/MND, the project site is underlain by Santiago Formation with a moderate to high paleontological sensitivity and may contain fossils in previously undisturbed depths and areas. Therefore, impacts to previously undiscovered paleontological resources would be possible, and impacts have the potential to be significant.</p>	<p>PALEO-1 Paleontological Resources:</p> <p>Prior to the issuance of grading permits, the applicant shall provide written confirmation to the City that a qualified paleontologist has been retained. A qualified paleontologist is defined as an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques and has expertise in local geology, stratigraphy, and biostratigraphy. The qualified paleontologist shall perform the following:</p> <ul style="list-style-type: none"> <li>Attend the pre-construction meeting and provide worker environmental awareness training at the preconstruction meeting as well as at the jobsite the day grading is to be initiated. In addition, the qualified paleontologist shall inform the grading contractor and City Engineer of the paleontological monitoring program methodologies.</li> </ul>	<p>Prior to the issuance of any land development permits and throughout grading activities.</p>	<p>City of Oceanside</p>

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	<ul style="list-style-type: none"> <li>• Identification of where paleontological monitoring of excavations impacting the San Diego Formation, Old Alluvial Floodplain Deposits, and deep excavations (greater than five feet below the ground surface) in areas underlain by Young Alluvial Floodplain Deposits is required within the project site based on construction plans and/or geotechnical reports.</li>   <li>• Procedures for adequate paleontological monitoring (including necessary monitoring equipment), methods for treating fossil discoveries, fossil recovery procedures, and sediment sampling for microvertebrate fossils, including the following requirements:               <ul style="list-style-type: none"> <li>○ A paleontological monitor shall be on-site at all times during the original cutting of previously undisturbed sediments of moderately to highly sensitive geologic units (e.g., San Diego Formation, Old Alluvial Floodplain Deposits, and excavations below a depth of five feet below the ground surface in areas underlain by Young Alluvial Floodplain Deposits) to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist. Monitoring is not required during shallow excavations within Young Alluvial Floodplain Deposits.</li>   <li>○ Paleontological monitoring is not required in areas underlain by Artificial Fill unless grading activities are anticipated to extend beneath the veneer of fill and impact underlying geological units with moderate to high paleontological sensitivity (e.g., San Diego Formation, Old Alluvial Floodplain Deposits, or deeper excavations into Young Alluvial Floodplain Deposits).</li>   <li>○ If fossils are discovered, the qualified paleontologist and/or paleontological monitor shall recover them. The paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading within 50 feet of the resource to allow recovery of fossil remains. Because of the potential for the recovery of small fossil remains, it may be necessary in certain instances, and at the discretion of the qualified paleontologist, to set up a</li> </ul> </li> </ul>		

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	<p>screen-washing operation on the project site. Alternatively, sediment samples can be collected and processed off-site.</p> <ul style="list-style-type: none"> <li>• Paleontological reporting and collections management:                             <ul style="list-style-type: none"> <li>○ Prepared fossils along with copies of all pertinent field notes, photos, maps, and the final paleontological monitoring report discussed below shall be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum within 90 days of completion of monitoring unless the City and the qualified paleontologist determine the extent of fossils recovered will require more preparation, stabilization, and/or curatorial time. Any curation costs shall be paid for by the applicant.</li> <li>○ A final paleontological monitoring report shall be completed. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils, and shall be submitted to the designated scientific institution within 90 days of the completion of monitoring unless the City and the qualified paleontologist determine the extent of fossils recovered will require more preparation, stabilization, and/or curatorial time.</li> </ul> </li> </ul>		