

# Attachment 2

This page intentionally left blank.

**Board of Supervisors  
of the County of Monterey**

Resolution No. \_\_\_\_\_

Certifying that the County of Monterey has )  
considered the *Mitigated Negative Declaration for* )  
*the California State University Monterey Bay* )  
*Transportation Demand Measure Projects (SCH #* )  
*2016051017)* dated July 25, 2016; Granting an )  
Easement to the Trustees of the California State )  
University, on behalf of California State University, )  
Monterey Bay, over 1.4 acres of County-owned )  
former Fort Ord land (APN 031-101-056-000) )  
Landfill Border Parcel E8a.1.1.2 to accommodate )  
CSUMB’s construction of a traffic roundabout at the )  
intersection of 8<sup>th</sup> Avenue and Intergarrison Road;  
Authorizing the Chair of the Board to sign the Grant  
of Easement; and Adopting the *County of Monterey*  
*Mitigation Monitoring and Reporting Program.*

WHEREAS, the former Redevelopment Agency of the County of Monterey became owner of the 85.0-acre (APN 031-101-056-000) Landfill Border Parcel E8a.1.1.2 (the “Parcel”) on July 26, 2007 by Quitclaim Deed from the Fort Ord Reuse Authority recorded with the Monterey County Recorder at Document No. 2007058699;

WHEREAS, with the dissolution of all California redevelopment agencies effective February 1, 2011, the Successor Agency to the Redevelopment Agency of the County of Monterey (“Successor Agency”) has assumed the rights, duties, and obligations pertaining to all functions of the original Redevelopment Agency, and as such has assumed the rights, duties, and obligations pertaining to the subject property;

WHEREAS, the County of Monterey became owner of the Parcel on August 23, 2016 by Quitclaim Deed from the Successor Agency recorded with the Monterey County Recorder at Document no. 2016048368;

WHEREAS, California State University Monterey Bay (CSUMB) owns Intergarrison Road and 8<sup>th</sup> Avenue, both private roads located within the CSUMB campus on the former Fort Ord, immediately adjacent to the aforesaid County-owned property; and

WHEREAS, CSUMB desires to construct a new traffic roundabout at the intersection of these two private roads (“CSUMB Project”);

WHEREAS, the CSUMB Project is intended to improve traffic safety and circulation through and around its campus resulting from developments existing and proposed on the former Fort Ord properties surrounding the campus;

WHEREAS, CSUMB has completed and adopted a *Mitigated Negative Declaration for the California State University Monterey Bay Transportation Demand Measure Projects (SCH # 2016051017)* dated July 25, 2016 (“MND”), and a *Mitigation Monitoring and Reporting Program* (“CSUMB MMRP”) for the CSUMB Project;

WHEREAS, a portion of the proposed project will require construction and maintenance activity outside CSUMB’s property on an approximately 1.4-acre portion of the aforesaid County-owned property;

WHEREAS, CSUMB has requested, and in response the County desires to grant an easement to CSUMB necessary for the construction and maintenance of the CSUMB Project. Anticipated CSUMB Project activities in the easement area include but are not limited to access to the construction site, removal of trees, construction of earth embankments, construction of new and relocation of existing storm drain outfalls which discharge drainage carried from areas within the CSUMB campus tributary to said Intergarrison Road and said 8<sup>th</sup> Avenue onto said County property for infiltration (hereafter the “County Project Component”);

WHEREAS, the Easement is in substantially the same form as is attached to the staff report for the September 13, 2016 Board of Supervisors meeting;

WHEREAS, the CSUMB Project, with the improvement of bike lanes, restoration of the access driveway on the County-owned land, and habitat restoration measures, maintains the open space and recreation use of the County-owned property and is consistent with the Monterey County Successor Agency Long Range Property Management Plan Approved by the Oversight Board April 17, 2014 and approved by the Department of Finance on December 31, 2015;

WHEREAS, the CSUMB MMRP requires the project to implement measures that mitigate for impacts to aesthetic, biological, and cultural, geological and soil resources;

WHEREAS, the County is requiring adherence to the CSUMB MMRP as part of the Grant of Easement;

WHEREAS, the County is adopting a *Mitigation Monitoring and Reporting Program* (“County MMRP”) to require CSUMB to report on the implementation of the CSUMB MMRP;

WHEREAS, the County finds that the County Project Component proposes no substantial changes to the CSUMB Project which would require major revisions of the MND due to involvement of new significant effects or a substantial increase in the severity of previously identified significant effects because the CSUMB Project included this portion component of the project and the CSUMB MMRP is incorporated into the Grant of Easement;

WHEREAS, the County finds that no substantial changes have occurred with respect to the circumstances under which the County Project Component will be undertaken which would require major revisions of the MND of the CSUMB Project due to involvement of new significant effects or a substantial increase in the severity of previously identified significant effects;

WHEREAS, the County finds that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted;

WHEREAS, under the Implementation Agreement between the Fort Ord Reuse Authority (FORA) and County (dated May 8, 2001), County has submitted a Transaction Worksheet to FOR A, and FORA staff has not objected;

WHEREAS, the County Project Component is consistent with the Base Reuse Plan which identifies the Development Capacity of the lands at the former Fort Ord. In land within Monterey County's jurisdiction, 96 acres are reserved for area-wide roadway right-of-ways to accommodate the long-range circulation requirements within the former Fort Ord lands. The CSUMB Project builds on the existing transportation network to improve circulation and help calm traffic along Intergarrison Road, and helps preserve sufficient right-of-way to at the intersection to serve long-range build-out; and

WHEREAS, the County and FORA will realize value from the CSUMB Project as the construction of the traffic roundabout improvement, and the County's granting an easement for this purpose, is in the public interest and will not substantially conflict or interfere with the use of the property by the County for the reasons below:

1. As the project replaces the existing bicycle lane along the property's Intergarrison Road frontage, it actually enhances pedestrian and bicycle access to the County's property.
2. Construction of the project and granting the easement do not change the County's ability to access its property for land management purposes, as the project reconstructs the existing driveway into the property to provide continued vehicular access by County personnel for property management purposes.
3. Construction of the project and granting the easement further do not change the overall value of the County's property from the standpoint of future utilization in accordance with the Base Reuse Plan and aforementioned land use restrictions and possible future uses of the County's property.

NOW, THEREFORE, based on the above recitals, findings and the administrative record as a whole, be it resolved by the Board of Supervisors of the County of Monterey as follows:

1. The County certifies that the foregoing recitals and findings are true and correct; and
2. The County certifies it has considered the MND and CSUMB MMRP for the CSUMB Project;

2. The County finds that the County Project Component proposes no substantial changes to the CSUMB Project which would require major revisions of the MND due to involvement of new significant effects or a substantial increase in the severity of previously identified significant effects;

3. The County finds that no substantial changes have occurred with respect to the circumstances under which the County Project Component will be undertaken which would require major revisions of the MND of the CSUMB Project due to involvement of new significant effects or a substantial increase in the severity of previously identified significant effects;

4. The County finds that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted;

5. The County finds that the conveyance of easement for the County Project Component is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County;

6. The County does hereby grant an Easement to the Trustees of the California State University, on behalf of California State University, Monterey Bay, over 1.4 acres of the County-owned Parcel to accommodate CSUMB's construction of a traffic roundabout at the intersection of 8<sup>th</sup> Avenue and Intergarrison Road;

7. The County authorizes the Chair of the Board to sign the Grant of Easement; and

8. The County does hereby adopt the County MMRP, attached hereto as Exhibit A, and incorporated herein by reference.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

## **Exhibit A**

### **County of Monterey**

#### **Mitigation Monitoring and Reporting Program for the Construction and Maintenance of Roundabout Project**

**Project Proponent:** California State University, Monterey Bay (CSUMB)

**Project Description:** Construction and maintenance of a traffic roundabout at the intersection of Intergarrison Road and 8<sup>th</sup> Avenue, Monterey County, California

Implement all mitigation, monitoring and reporting measures described in Mitigation Monitoring & Reporting Program, California State University, Monterey Bay, Transportation Demand Measure Projects (Attachment 1) in the easement area.

Submit approved Oak Tree Restoration Plan to the County upon completion of construction activities.

Prepare and submit a report to the County of Monterey upon completion of construction activities that identifies how the mitigation measures were implemented and achieved in the easement area.

**Attachment 1**

<p align="center"><b>MITIGATION MONITORING &amp; REPORTING PROGRAM</b>  <b>California State University, Monterey Bay (CSUMB)</b>  <b>Transportation Demand Measure Projects</b></p>					
Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/Verification	
<b>Aesthetics</b>					
<p><i>Substantially degrade the existing visual character or quality of the site and its surroundings?</i></p>	<p><b>Mitigation Measure 1</b>                      Coast live oak trees removed from the 8th Avenue/Inter-Garrison Road and 7th Avenue-8th Street/Inter-Garrison Road project sites as a result of the proposed project shall be mitigated at a 2:1 ratio, as follows:</p> <ul style="list-style-type: none"> <li>Trees removed at the 8th Avenue/Inter-Garrison Road project site shall be mitigated with the planting of 15-gallon specimens at a 1:1 ratio (i.e., 101 trees) in accordance with the Landscape Plan, and also with 5-gallon specimens at a 1:1 ratio (i.e., 101 trees) within the abandoned roadways.</li> <li>Trees removed at the 7th Avenue/Inter-Garrison Road project site shall be mitigated with the planting of 5-gallon specimens at a 2:1 ratio (i.e., 10 trees total) within the abandoned roadways.</li> </ul> <p>The details and requirements regarding the planting of coast live oak trees shall be outlined in an Oak Tree Restoration Plan to be approved by the CSUMB Planning Director and prepared and implemented by a qualified biologist, arborist, and/or landscape architect. The plan shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>procedures to control non-native species invasion and elimination of existing non-native species within the mitigation area;</li> <li>provisions to ensure compliance with the requirements of the plan;</li> <li>a detailed description of the off-site mitigation area, seeding and planting specifications, including, if appropriate, increased planting ratio to ensure the success ratio; and</li> <li>a monitoring program that describes annual monitoring efforts which incorporate success criteria and contingency plans if success criteria are not met.</li> </ul>	<p>Prior, During, and Upon Completion of Construction Activities</p>	<p>CSUMB and/or Contractor shall contract with a qualified biologist to implement this measure</p>	<p>CSUMB</p>	



**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/ Verification	
	<p>Prior to the commencement of construction activities:</p> <ul style="list-style-type: none"> <li>• Trees located adjacent to the construction area shall be protected from damage by construction equipment by the use of temporary fencing in combination with wrapping of trunks with protective materials where ever there may be construction present.</li> <li>• Fencing shall consist of chain link, heavy duty snowdrift or plastic mesh, hay bales, or field fence.</li> <li>• Fencing is not to be attached to the tree but free standing and self-supporting so as not to damage trees. Fencing shall be rigidly supported both vertically and horizontally.</li> <li>• Fenced areas and the trunk protection materials shall remain in place during the entire construction period.</li> <li>• Remedial pruning should occur prior to construction. Following construction, any above ground tree pruning/trimming should be delayed until one year after completion of construction.</li> </ul> <p>During grading and excavation activities:</p> <ul style="list-style-type: none"> <li>• Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials is not allowed adjacent to trees, especially within fenced areas.</li> <li>• All trenching, grading or any other digging or soil removal that is expected to encounter roots of trees to be retained must be monitored by a qualified arborist or forester to ensure against drilling or cutting into or through major roots.</li> <li>• The project arborist should be on site during excavation activities to direct any minor field adjustments that may be needed.</li> </ul>				

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/ Verification	
	<ul style="list-style-type: none"> <li>• Trenching construction located adjacent to any tree that would be retained should be done by hand where practical and any roots greater than 1.5 inches in diameter should be bridged or pruned appropriately.</li> <li>• Any roots of trees to be retained that must be cut should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.</li> <li>• Any roots of trees to be retained that are damaged during grading or excavation should be exposed to sound tissue and cut cleanly with a saw.</li> <li>• If at any time potentially significant roots of trees to be retained are discovered, the arborist/forester would be authorized to halt excavation until appropriate mitigation measures are formulated and implemented.</li> <li>• If significant roots are identified that must be removed that would destabilize or negatively affect the target trees, the property owner would be notified immediately and a determination for removal would be assessed and made as required by law for treatment of the area that would not risk death decline or instability of the tree consistent with the implementation of appropriate construction design approaches to minimize affects, such as hand digging, bridging or tunneling under roots, etc.</li> </ul> <p>In addition, Best Management Practices (BMPs) as described below shall be adhered to, to protect retained coast live oak trees. The proposed BMPs include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Do not deposit any fill around trees, which may compact soils and alter water and air relationships. Avoid depositing fill, parking equipment, or staging construction materials near existing trees. Covering and compacting soil around trees can alter water and air relationships with the</li> </ul>				

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/ Verification	
	<p>roots. Fill placed within the drip-line may encourage the development of oak rot fungus (<i>Armillaria mellea</i>).</p> <ul style="list-style-type: none"> <li>• Pruning shall be conducted so as not to unnecessarily injure the tree. General-principals of pruning include placing cuts immediately beyond the branch collar, making clean cuts by scoring the underside of the branch first, and for live oak, avoiding the period from February through May.</li> <li>• Native live oaks are not adapted to summer watering and may develop crown or root rot as a result. Do not regularly irrigate within the drip line of oaks. Native, locally adapted, drought resistant species are the most compatible with this goal.</li> <li>• Root cutting should occur outside of the springtime. Late June and July would likely be the best.</li> <li>• Oak material greater than 3 inches in diameter remaining on site more than one month that is not cut and split into firewood should be covered with thick clear plastic that is dug in securely around the pile. This would discourage infestation and dispersion of bark beetles.</li> <li>• A mulch layer up to approximately 4 inches deep may be applied to the ground under selected oaks following construction. Only 1 to 2 inches of mulch should be applied within 1 to 2 feet of the trunk, and under no circumstances should any soil or mulch be placed against the root crown (base) of trees. The best source of mulch would be from chipped material generated on site.</li> <li>• Following construction, if trees along and near the development are visibly declining in vigor, a Professional Forester or Certified Arborist should be contacted to inspect the site to recommend a course of action.</li> </ul>				
<b>Biological Resources</b>					
<i>Have a substantial adverse effect, either</i>	<p><b>Mitigation Measure 2</b>  The following measure shall be implemented to avoid or reduce impacts to</p>	Prior and During	CSUMB and/or	CSUMB	

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/ Verification	
<i>directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<p>Kellogg’s horkelia, nesting raptors and other protected avian species, Monterey dusky-footed woodrat, and coast horned lizard:</p> <p>Prior to construction activities, a qualified biologist shall conduct an Employee Education Program for the construction crew. The biologist shall meet with the construction crew at the site at the onset of construction to educate the construction crew on the following: 1) a review of the project boundaries including staging areas and access routes; 2) the special-status species that may be present, their habitat, and proper identification; 3) the specific avoidance and minimization measures that will be incorporated into the construction effort; 4) the general provisions and protections afforded by the U.S. Fish and Wildlife Service and the CDFW; and 5) the proper procedures if a special-status animal is encountered within the project site.</p> <p>A biological monitor shall be on-site during initial vegetation removal activities to protect any special-status species encountered. The qualified biologist shall identify and explain the protection methods during the Employee Education Program as described above. Methods could include, but are not limited to, stopping work in the area where the animal is encountered until it has moved on its own outside of the site or moving individuals outside of the site to adjacent appropriate habitat.</p>	Construction Activities	Contractor shall contract with a qualified biologist to implement this measure		
	<p><b>Mitigation Measure 3</b></p> <p>The following measure shall be implemented to avoid or reduce impacts to migratory birds and other protected avian species:</p> <p>Construction activities that may directly (e.g., vegetation removal) or indirectly affect (e.g. noise/ground disturbance) nesting raptors and/or protected avian species will be timed to avoid the breeding and nesting seasons. Specifically, demolition, grading with heavy machinery, and</p>	Prior and During Construction Activities	CSUMB and/or Contractor shall contract with a qualified biologist to implement this	CSUMB	

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/Verification	
	<p>vegetation and/or tree removal can be scheduled after September 16 and before January 31.</p> <p>If construction activities must occur during the breeding and nesting season (February 1 through September 15), a qualified biologist shall conduct pre-construction surveys for nesting raptors and other protected avian species within 300 feet of the proposed construction activities. Pre-construction surveys should be conducted no more than 7 days prior to the start of the construction activities during the early part of the breeding season (February through April) and no more than 14 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>If raptors or other protected avian species nests are identified during the pre-construction surveys, the qualified biologist would notify the project proponent and an appropriate no-disturbance buffer would be imposed within which no construction activities or disturbance would take place (generally 300 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.</p>		measure		
	<p><b>Mitigation Measure 4</b>  The following measure shall be implemented to avoid or reduce impacts to Monterey dusky-footed woodrat:</p> <p>Not more than thirty (30) days prior to the start of construction (including vegetation removal), a qualified biologist shall conduct a survey of the project sites to locate existing Monterey dusky-footed woodrat nests. All Monterey dusky-footed woodrat nests shall be mapped and flagged for avoidance. Graphics depicting all Monterey dusky-footed woodrat nests shall be</p>	Prior to Construction Activities	CSUMB and/or Contractor shall contract with a qualified biologist to implement this measure	CSUMB	

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/ Verification	
	<p>provided to the project proponent. Any Monterey dusky-footed woodrat nests that cannot be avoided shall be relocated according to the following procedures.</p> <ul style="list-style-type: none"> <li>Each active nest shall be disturbed by the qualified biologist to the degree that Monterey dusky-footed woodrats leave the nest and seek refuge elsewhere. After the nests have been disturbed, the nest sticks shall be removed from the impact areas and placed outside of areas planned for impacts. Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible. If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest will be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling.</li> </ul>				
	<p><b>Mitigation Measure 5</b>  The following measure shall be implemented to avoid or reduce impacts to Kellogg's horkelia:</p> <p>Kellogg's horkelia within the potential soil laydown areas shall be fenced and avoided to the maximum extent possible. A qualified biologist will supervise fence installation and conduct monitoring to ensure fencing remains intact and impacts are avoided.</p> <p>If avoidance is not feasible, Kellogg's horkelia shall be replaced at a 1:1 ratio for the area or number of individuals impacted and a Rare Plant Restoration Plan approved by the CSUMB Planning Director shall be prepared by a qualified biologist and implemented. The plan shall include, but is not limited to, the following:</p>	Prior and Upon the Completion of Construction Activities	CSUMB and/or Contractor shall contract with a qualified biologist to implement this measure	CSUMB	

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/Verification	
	<ul style="list-style-type: none"> <li>a description of the baseline conditions of the habitats within the area of impact, including the presence of any special-status species, their locations, and densities;</li> <li>procedures to control non-native species invasion and elimination of existing non-native species within the area of impact;</li> <li>provisions to ensure compliance with the requirements of the plan;</li> <li>a detailed description of on-site and off-site restoration areas, salvage of seed and/or soil bank, plant salvage, seeding and planting specifications, including, if appropriate, increased planting ratio to ensure the 1:1 success ratio; and</li> <li>a monitoring program that describes annual monitoring efforts which incorporate success criteria and contingency plans if success criteria are not met.</li> </ul>				
<b>Cultural Resources</b>					
<i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?</i>	<p><b>Mitigation Measure 6</b>            If archaeological materials or features are discovered at any time during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist (defined as one who is certified by the Society of Professional Archaeologists). If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.</p>	During Construction Activities	CSUMB and/or Contractor	CSUMB	
<i>Disturb any human remains, including those interred outside of formal cemeteries?</i>	<p><b>Mitigation Measure 7</b>            If human remains are discovered at any time during construction, work shall be halted within 50 meters (150 feet) of the find.</p> <ul style="list-style-type: none"> <li>The contractor shall call the Monterey County Coroner and await the Coroner's clearance. If the coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours.</li> </ul>	During Construction Activities	CSUMB and/or Contractor	CSUMB	

**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/Verification	
	<ul style="list-style-type: none"> <li>• NAHC shall notify the most likely descendent.</li> <li>• The Native American descendent, with permission of the land owner or representative, may inspect the site of the discovery and recommend the means for treating or disposing with appropriate dignity the human remains and any associated grave goods.</li> <li>• The Native American descendent shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the removal and analysis of human remains and associated items; preservation of the Native American human remains and associated items in place; relinquishment of Native American human remains and associated items to the descendants for treatment; or other culturally appropriate treatment. If the NAHC is unable to identify a descendent or the descendent identified fails to make a recommendation within 24 hours, the landowner shall reinter the human remains and items associated with the Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.</li> <li>• If the landowner and Native American descendent reach agreement on the appropriate procedure, the landowner shall follow this procedure.</li> <li>• If the landowner and Native American descent cannot reach agreement, the parties shall consult with the Native American Heritage Commission. The landowner shall consider and, if agreeable, follow the identified procedure.</li> <li>• If the landowner and Native American descendant cannot reach agreement after consultation, the Native American human remains shall be reinterred on the property with appropriate dignity.</li> </ul>				



**MITIGATION MONITORING & REPORTING PROGRAM**  
**California State University, Monterey Bay (CSUMB)**  
**Transportation Demand Measure Projects**

Impact	Mitigation	Timing of Implementation	Responsible Party		Done (X)
			Implementation	Compliance/ Verification	
<b>Geology and Soils</b>					
<i>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</i>	<p><b>Mitigation Measure 8</b>            The contractor shall be required to implement the recommendations from the Geotechnical Investigations and incorporate the recommendations into the final plans and specification prior to the start of construction.</p>	Prior to construction activities	CSUMB and/or Project Engineer/ Architect	CSUMB	