# MITIGATION MONITORING AND REPORTING PROGRAM

# **New River Improvement Project**

State Clearinghouse (SCH) No.:

### **Lead Agency:**

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#### 1. INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the New River Improvement Project (proposed project). An MMRP is required for the proposed project because the Mitigated Negative Declaration (MND) prepared for the project has identified significant adverse impacts, and measures have been identified to mitigate those impacts. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

#### 2. MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the City of Calexico will be responsible for monitoring compliance with all mitigation measures. Different City departments are responsible for various aspects of the project. The MMRP identifies the department with the responsibility for ensuring that each individual mitigation measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure such compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Potential Significant Impact:** The significance threshold is restated to describe the potentially significant impact.
- Mitigation Measure: The mitigation measures to be adopted (as identified in the EIR) are restated.
- **Timeframe of Mitigation:** Identifies at which stage of the project the mitigation measure shall be completed.
- Monitoring, Enforcement and Reporting Responsibility: Identifies the department within the City with responsibility for mitigation monitoring.

## **Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
AIR QUALITY			
The project has the potential to conflict with or obstruct implementation of the applicable air quality plan.	AQ-1 The project shall adopt best available control measures (BACT) to minimize emissions from surface disturbing activities to comply with ICAPCD Regulation VIII (Fugitive Dust Rules). These measures include the following:	0. ,	City of Calexico Public Works Department
	<ul> <li>All disturbed areas, including bulk material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material such as vegetative ground cover.</li> </ul>		
	<ul> <li>All on-site and off-site unpaved roads shall be effectively stabilized, and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.</li> </ul>		
	<ul> <li>All unpaved traffic areas of 1 acre or more with 75 or more average vehicle trips per day shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.</li> </ul>		
	<ul> <li>The transport of bulk materials shall be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo</li> </ul>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	compartment of all haul trucks shall be cleaned and/or washed at the delivery site after removal of bulk material.		
	<ul> <li>All track-out or carry-out shall be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.</li> </ul>		
	<ul> <li>Bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.</li> </ul>		
	<ul> <li>The construction of any new unpaved road shall be prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized, and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants, and/or watering.</li> </ul>		
The project has the potential to violate an air quality standard or contribute substantially to an existing or projected air quality violation.	Mitigation measure <b>AQ-1</b>	During project construction activities	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
The project has the potential to result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	Mitigation measure AQ-1	During project construction activities	City of Calexico Public Works Department
The project has the potential to expose sensitive receptors to substantial pollutants concentrations.	Mitigation measure <b>AQ-1</b>	During project construction activities	City of Calexico Public Works Department
BIOLOGICAL RESOURCES			
The project has the potential to have a substantial adverse effect, either directly or through habitat modifications, on a 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 Wildlife (CDFW) or US Fish and Wildlife Service (USFWS).	BIO-1 Vegetation removal and ground-disturbing activities should avoid the nesting bird season (generally between January 1 and August 31) to the extent practical to limit the potential need for avoidance measures. A preconstruction avoidance survey shall be conducted for MBTA- and CDFW-protected nesting birds within 500 feet of areas proposed for vegetation removal and/or initial grading activities regardless of time of year to ensure compliance with all applicable laws pertaining to nesting birds and birds of prey. The survey shall be conducted by a qualified biologist within three days prior to vegetation removal and/or initial grading activities. If active nests are observed, the biologist shall implement non-disturbance buffers (minimum 300 feet for passerines and 500 feet for raptors) and shall monitor active nest(s) weekly during construction activities to ensure nesting behavior is not being indirectly affected by construction-related noise levels. If the biologist determines that nesting behavior is being	any vegetation removal or	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	adversely affected, a noise mitigation program (e.g., staggered work schedules, altered work locations, noise abatement barriers) shall be implemented, in consultation with the CDFW, to allow such activities to proceed. Once the biologist has determined the young have fledged and have not returned to the nest(s), construction activities may proceed.		
	In addition, raptor nests are protected under FGC Section 3503.5, which makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes, or to take, possess, or destroy the nests or eggs of any such birds. Consultation with CDFW shall be required prior to removal of any raptor nest(s) observed during the preconstruction clearance survey.		
	BIO-2 Focused burrowing owl surveys shall be conducted within the APE and surrounding 150-meter survey area in accordance with the survey protocol in the CDFW 2012 Staff Report on Burrowing Owl Mitigation. Specifically, a total of four surveys shall occur as follows: (1) at least one between February 15 and April 15; and (2) a minimum of three at least three weeks apart between April 15 and July 15, with at least one of these surveys after June 15. Surveys shall occur during favorable weather conditions and either during early morning hours (one hour before sunrise until two hours after sunrise) or during late afternoon hours (two hours before sunset until one hour after sunset). Special attention shall be given to the potential occupancy and avoidance (regardless of occupancy) of the ten (10) artificial burrowing owl burrows installed in September 2012 as mitigation to passively relocate individuals of burrowing owl affected by the Calexico Gran Plaza Project (see Figure 5, Artificial Burrow Locations). A final report shall be submitted for CDFW review addressing survey methods,	vegetation	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure					Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility	
			vidths, duration, required mitigatio		-			
	BIO-3	hours prio activities) s 150-meter surveys in occur durir early morn after sunri before sun preconstru review add conditions, Following t shall be suf required implement but not lim place" proc biological r to avoid burrowing shall be im burrows ar	mitigation measing favorable weating hours (one hose) or during lates are until one hostion survey, a repressing survey meresults, and an he 24-hour preconficient for CDFW mitigation peration of a Burrowinited to passive recedures, noise attempositoring during and minimize irowls. Setbacks, as plemented as fole to be categorize	removal I within the leither ware BIO- her condour before the aftern after thods, tray mitigate thous and the location the location construction to the location after those the location the location the location after the location and the location after the location and the loc	and/or he APE and ould coin 2. These itions and sunrise upon hour sunset). It is an area to a sunrier, a direction reconstruction procedure barriers, action, or coind direction direction ing sites):	initial grading d surrounding cide with the surveys shall leither during intil two hours of two hours. After the first tted for CDFW dths, duration, mmendations. In memo report any additional ds such as Plan, including es, "shelter in visual barriers, other methods t impacts to CDFW (2012), talled artificial	vegetation removal or ground-disturbing activities	City of Calexico Public Works Department
		Location	Time of Year		Disturbar			
				Low	Med	High		
		Nesting	April 1-Aug 15	200 m*	500 m	500 m		

Potential Significant Impact	Mitigation Measure					Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility	
		Sites						
		Nesting Sites	Aug 16-Oct 15	200 m	200 m	500 m		
		Nesting Sites	Oct 16-Mar 31	50 m	100 m	500 m		
	BIO-4	biologist sh American disturbance buffers. If of inactive, p following a	ys prior to project nall conduct a pre- badger dens re- e footprints and dens are detected potentially active, ctions taken:	construct within t I surrou , each sha , or defi	tion surve the prop nding 10 all be clas initely ac	y for potential posed on-site i0-foot survey sified as either tive; and the	vegetation removal or ground-disturbing	City of Calexico Public Works Department
		be	active dens that we excavated by har badgers.		-	-		
		di fo (e	otentially and defi rectly impacted s r three consecutiv .g., diatomaceous imera stations at t	hall be me nights be earth, fi	nonitored using a tra re clay) a	by a biologist acking medium		
		0	If no tracks are species are cap shall be excava	tured aft	er three r	nights, the den		
		0	If tracks are obs progressively it (e.g., rocks, dir three to five ni	olocked t, sticks,	with nat vegetatio	ural materials n) for the next		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	continued use of the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to ensure no badgers are trapped in the den.		
	• If an active natal den (i.e., with pups) is detected on- site, per the procedures above, the CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for harm or mortality. The course of action shall depend on the age of the pups, on-site location of the den (e.g., central area, perimeter), status of the perimeter fence (completed or not), and pending construction activities proposed near the den. A 500- foot no-disturbance buffer shall be maintained around all active natal dens.		
	BIO-5  U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW jurisdictional features are regulated by the federal and state governments. Unavoidable impacts to USACE jurisdictional non-wetland WoUS and wetlands must be authorized by USACE through the issuance of a CWA Section 404 Permit (Individual or Nationwide Permit). Unavoidable impacts to RWQCB jurisdictional non-wetland Waters of the State and WoUS wetlands require a CWA Section 401 Water Quality Certification and/or Waste Discharge Permit from the RWQCB. Unavoidable impacts to CDFW jurisdictional non-riparian streambeds and riparian wetlands must be authorized by CDFW through a FGC Section 1602 Streambed Alteration Agreement. The City of Calexico shall obtain appropriate regulatory approvals for direct and indirect impacts to project areas containing state and federal jurisdictional resources.	any vegetation removal or ground-disturbing activities within	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	As part of the above-referenced regulatory permit, certification, and authorization processes, a Habitat Mitigation and Management Plan (HMMP) shall be developed in conjunction with USACE field concurrence with the jurisdictional delineation results (i.e., ground-truthing) and with the direct/indirect impact acreages for disturbed riparian scrub, desert sink scrub, disturbed desert sink scrub, and unvegetated channel. The HMMP shall identify the negotiated, agreed-upon, and approved compensatory mitigation requirements for these project impacts. The mitigation approach, including the timing of enhancement/restoration/creation implementation and/or credits purchase as described in the HMMP, shall be completed and approved by the permitting agencies prior to project commencement. Such compensatory mitigation options include, but are not limited to, one or a combination of the following options:		
	(1) enhancement/improvement of currently disturbed areas within the BSA to improve hydrological/wetland/ecological functions through removal of non-native, invasive species for a period not less than three years or until success criteria are achieved; non-native invasive plant species control shall be performed a minimum of once a year as described in the HMMP but be no less than once a year for the monitoring period specified in the HMMP. Success criteria will be described in the HMMP, but non-native, invasive plant species percent cover shall not exceed 10 percent at the time when success criteria are achieved. Invasive plant control/monitoring shall continue as described in the HMMP until success criteria are achieved. Monitoring of special-status riparian vegetation shall occur to evaluate if the		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	removal of non-native, invasive plants enables the existing desired vegetation community to persist at baseline (preproject) amounts of area and vegetation health. If success criteria described in the HMMP are not achieved within a period of five years, remediation or additional mitigation shall be required.		
	(2) restoration (hydroseeding/planting) within the BSA to be maintained in perpetuity, with irrigation as needed, according to the success criteria specified in the HMMP. Habitat restoration methodology shall be performed as described in the HMMP but shall include active irrigation. All planted trees shall be native to the area and planted within the channel to allow tap roots to reach the water table, and existing native trees within the restoration site shall be preserved to the extent practical. Success criteria shall be preserved to the HMMP but planting mortality shall not exceed 10 percent at Year 5. If habitat restoration does not meet success criteria, remediation as described in the HMMP shall be performed. A Conservation Easement or legal protection instrument approved by the permitting agencies shall be placed on the restoration site as described in the HMMP. The existing vegetation shall also be irrigated in combination with the removal of non-native, invasive vegetation. Unless it can be demonstrated that the 3.47 cfs of secondary treated and disinfected wastewater to be returned to the affected reach of the New River will be sufficient to support up to 77 acres of riparian habitat, the restoration site shall be irrigated in perpetuity, with an adequate schedule, capacity, and configuration defined in the HMMP. Washed out irrigation materials as a result of periodic flooding during high rain events shall be replaced to maintain the restoration site during drier years. Native plant restoration shall be sufficient		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	mitigation to allow that native vegetation community to persist at baseline or higher levels of percent cover and health. If success criteria are not achieved in ten years, remediation or additional mitigation shall be required.		
	(3) wetland creation (hydroseeding/planting) within the BSA to be maintained in perpetuity, according to the long-term success/performance criteria. Open water acreage shall not be less than open water acreage determined to be equivalent to baseline (pre-project) conditions as determined by Geographic Information System (GIS) analysis. Wetland conditions shall achieve success criteria identified in the HMMP. Monitoring of wetland conditions shall be specified in the HMMP. If wetland creation does not meet success criteria, remediation as described in the HMMP shall be performed. A Conservation Easement or legal protection instrument approved by the permitting agencies shall be placed on the restoration site as described in the HMMP. Id success criteria are not achieved in ten years, remediation or additional mitigation shall be required.		
	(4) purchase of wetland mitigation credits at a minimum one-to-one replacement ratio within an approved/authorized Mitigation Bank, preferably located within the New River watershed. Proof of purchase of available mitigation credits shall be provided to the permitting agencies prior to the initiation of vegetation removal and/or ground breaking project activities.		
	For the habitat restoration and/or wetland creation options listed above, the HMMP shall provide detailed site preparation, installation, and monitoring guidance including		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	appropriate vegetation establishment and long-term success standards/performance criteria.		
	BIO-6 A stormwater pollution prevention plan (SWPPP) shall be implemented involving best management practices (BMPs) to avoid unanticipated indirect impacts to the adjacent reach of the New River. All BMPs shall be regularly inspected for integrity and repaired or replaced as needed; this will be documented through the RWQCB online portal via the project-specific Waste Discharger Identification (WDID).	Prior to/during any vegetation removal or ground-disturbing activities	City of Calexico Public Works Department
	BIO-7 At the preconstruction meeting, a biologist shall perform Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The WEAP shall include a brief review of any special-status species (including habitat requirements and where they might be found) and other sensitive biological resources that could occur in and adjacent to the APE. The WEAP shall address the biological mitigation measures listed above and any others in the approved Mitigation Monitoring and Reporting Program, as well as applicable conditions and provisions of any associated environmental permits, including but not limited to preconstruction biological surveys, preconstruction installation of perimeter sediment and erosion control best management practices per the RWQCB-approved Storm Water Pollution Prevention Plan, and any recurrent nesting bird surveys (as needed). In addition, the following items shall also be addressed (at a minimum):	Prior to/during any vegetation removal or ground-disturbing activities	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	construction, per Imperial County Air Pollution Control District (ICAPCD) standards.		
	<ul> <li>No workers shall litter on or adjacent to the construction site. At the end of each workday, all trash shall be placed in secured containers on-site (with regular disposal timelines to approved facilities) and/or vehicles.</li> </ul>		
	<ul> <li>No workers shall bring pets or firearms to the construction site.</li> </ul>		
	<ul> <li>To prevent the accidental introduction of non-native, invasive plant material and/or seed stock, all vehicle tires and bottoms of shoes of workers arriving to the construction site shall be scrubbed free of dirt, mud, and debris.</li> </ul>		
	<ul> <li>All vehicles must be kept in good maintenance condition and shall not leak fluids onto the construction site. In such cases, spills and leaks shall be cleaned up and disposed of immediately, in accordance with applicable local, state, or federal regulations, and the causes of such spills and leaks shall be immediately repaired. When staging construction equipment overnight, spill kits, secondary containment devices, spill mats, and/or other measures shall be employed to catch unanticipated leaks or spills.</li> </ul>		
	<ul> <li>A designated biological monitor shall be responsible for ensuring that all workers adhere to the WEAP guidelines and restrictions. WEAP training sessions</li> </ul>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	shall be conducted as needed for all new personnel brought onto the site.		
The project has the potential to have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.	Mitigation measures BIO-1 to BIO-7	Prior to/during any vegetation removal or ground-disturbing activities and/or Prior to/during any vegetation removal or ground-disturbing activities within jurisdictional areas	City of Calexico Public Works Department
The project has the potential to have a substantial adverse effect on federally protected wetlands as defined in CWA Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	Mitigation measure <b>BIO-5</b>	Prior to/during any vegetation removal or ground-disturbing activities within jurisdictional areas	City of Calexico Public Works Department
The project has the potential to interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.	Mitigation measures <b>BIO-1</b> to <b>BIO-7</b>	Prior to/during any vegetation removal or ground-disturbing activities	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
		and/or Prior to/during any vegetation removal or ground-disturbing activities within jurisdictional areas	
CULTURAL RESOURCES			
The project has the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	project construction, all work within 50 feet shall be halted until an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and/or historical archaeology can evaluate the findings and make recommendations. The project contractor shall divert, direct or temporarily halt ground-disturbing activities in the area of discovery to allow evaluation of potentially significant historical resources. The archaeologist shall immediately notify City of Calexico Public Works Department staff of such findings at the time of discovery. The significance of the discovered resource(s) shall be determined by the archaeologist, in consultation with the Public Works Department and the Native American community. The Public Works Department must concur with the evaluation procedures before grading activities are allowed to resume. For significant cultural and/or historical resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery is allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.	disturbing	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	All materials collected shall be cleaned, cataloged and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. Additionally, any sites and/or features encountered during the monitoring program shall be recorded on the applicable Department of Parks and Recreation forms (DPR 523A/B, et al.) and submitted to an appropriate cultural resources repository with the final monitoring results report.		
The project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	CUL-2 Construction personnel involved in excavation and grading activities shall be informed of the possibility of discovering fossils at any location and the protocol to be followed if fossils are found. A professional meeting the Society of Vertebrate Paleontology standards shall provide preconstruction training. The City of Calexico shall ensure the project grading plan notes include specific reference to the potential discovery of fossils. If potentially unique paleontological resources (fossils) are inadvertently discovered during project construction, work shall be halted immediately within 50 feet of the discovery, the city shall be notified, and a professional paleontologist shall be retained to determine the significance of the discovery. The paleontologist shall establish procedures for paleontological resource surveillance throughout project construction and shall establish, in cooperation with the city as the project applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. Excavated finds shall be offered to a state-designated repository such as the Museum of Paleontology at the University of California, Berkeley, or the	During ground-disturbing activities	City of Calexico Public Works Department

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	California Academy of Sciences in accordance with applicable regulations.		
The project has the potential to disturb any human remains, including those interred outside of dedicated cemeteries.	CUL-3 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or ground disturbing activities, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the Imperial County coroner's office. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the coroner 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 is protected and consultation and treatment can occur as prescribed by law. As further defined by state law, the coroner shall determine within two working days of being notified if the remains are subject to his or her authority. If the coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall make a determination as to the most likely descendent. The most likely descendant shall inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods within 48 hours of being allowed access to the site and provide recommendations for the proper treatment of the remains and/or associated grave goods.	disturbing	City of Calexico Public Works Department
TRIBAL CULTURAL RESOURCES			

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
The project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:  2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		During ground-disturbing activities	City of Calexico Public Works Department