TIJUANA RIVER VALLEY DREDGING PROJECT

INITIAL STUDY/ADDENDUM TO THE MUNICIPAL WATERWAYS MAINTENANCE PLAN FINAL EIR

(SCH NO. 2017071022)

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Acronyms and Abbreviations

ASMD	Area Specific Management Directive
BCME	Biological Construction Mitigation/Monitoring Exhibit
BMO	Biological Mitigation Ordinance
BMP	Best Management Practice
BRCA	Biological Resource Core Area
CAL FIRE	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of San Diego
CM	Construction Manager
County	County of San Diego
CWA	Clean Water Act
DPR	County of San Diego, Department of Parks and Recreation
dBA	A-weighted decibel
DTSC	Department of Toxic Substances Control
ED	Environmental Designee
EIR	Environmental Impact Report
EP	Environmental Procedure
FMP	Facility Maintenance Plan
GHG	greenhouse gas
I-	Interstate
JRMP	County of San Diego Jurisdictional Runoff Management Plan
L_{EQ} (1-hour)	Highest hourly average
LDC	Land Development Code
MHPA	Multi-Habitat Planning Area
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MSCP	Multiple Species Conservation Program
MWMP	Municipal Waterways Maintenance Plan
NO_X	nitrogen oxides
QB	Qualified Biologist

RAQS	Regional Air Quality Strategy
RE	Resident Engineer
RGP 53	Regional General Permit 53
SDAPCD	San Diego County Air Pollution Control District
SDBG	San Diego Biology Guidelines
SWRCB	State Water Resources Control Board
TRV	Tijuana River Valley
TRVRP	Tijuana River Valley Regional Park
TSW	City of San Diego Transportation and Storm Water
USACE	U.S. Army Corps of Engineers
VHFHSZ	Very High Fire Hazard Severity Zone
WPCP	Water Pollution Control Plan

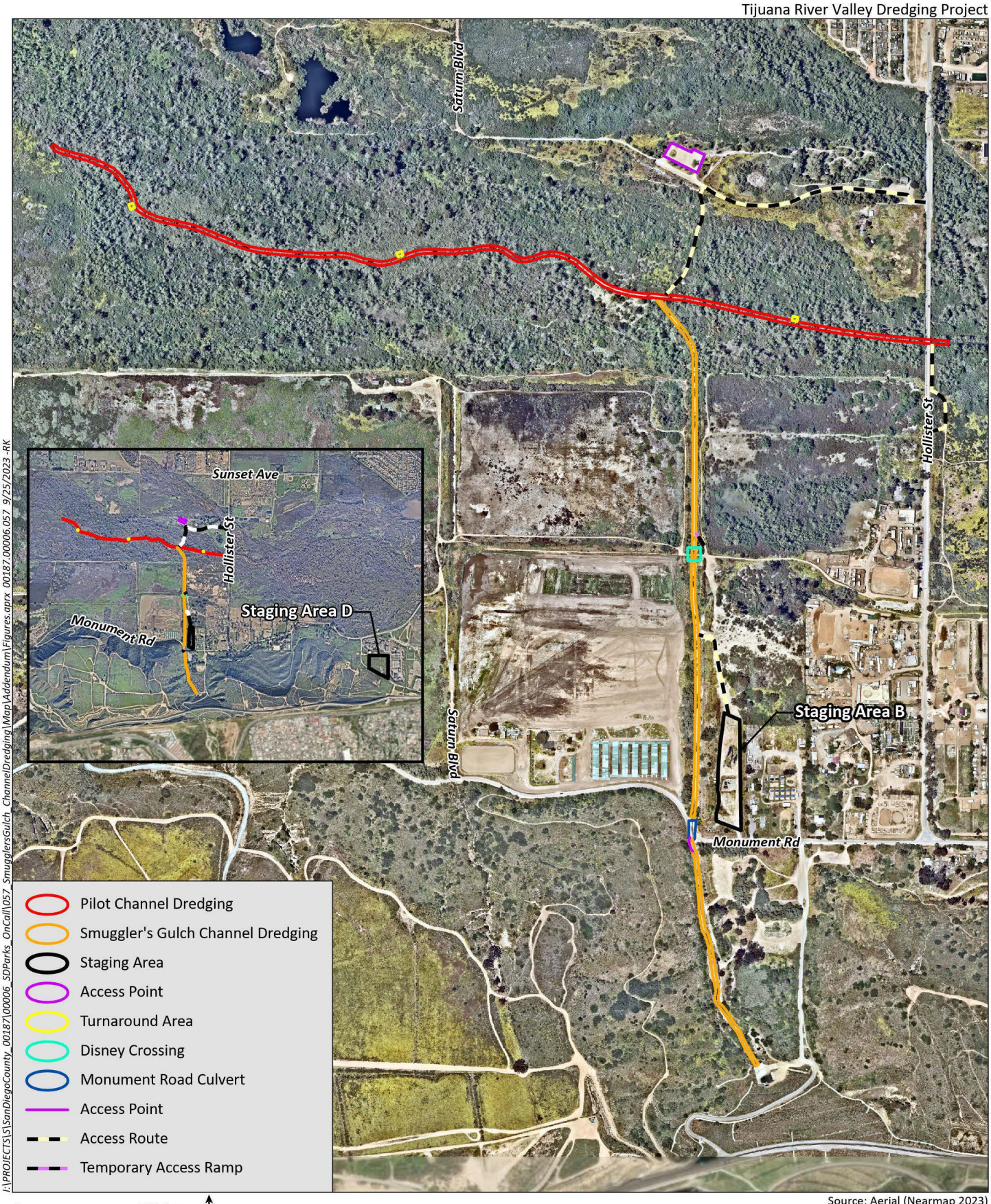
1.0 INTRODUCTION

1.1 OVERVIEW

The City of San Diego (City) and the County of San Diego (County) each maintain stormwater conveyance systems in the Tijuana River Valley (TRV) in accordance with federal, state, and local permits and approvals. Specifically, the City has historically performed maintenance of the Tijuana River Pilot Channel (Pilot Channel) and the portion of the Smuggler's Gulch channel north of Monument Road, while the County Department of Parks and Recreation (DPR) has performed maintenance within portions of the Smuggler's Gulch channel south of Monument Road (Attachment A, *Tijuana River Valley Historical Maintenance*). The City's portion of these maintenance activities (referred to throughout this Addendum as the "approved project") was previously analyzed in the Municipal Waterways Maintenance Plan (Project No. 616992; City 2020a and City 2020b) Final Environmental Impact Report (EIR) (State Clearinghouse No. 2017071022, City 2020c), certified on June 23, 2020, by the San Diego City Council. The County's portion of these maintenance activities was previously analyzed in the Regional General Permit Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 1998061097), adopted on May 28, 1998, by the County Board of Supervisors (Attachment B, *Regional General Permit 53 CEQA Documentation*).

The Proposed Project will combine and coordinate City and County channel maintenance efforts and provide a more efficient and effective approach to increasing flood conveyance capacity of the Smuggler's Gulch channel and Pilot Channel. This combined project, including routine channel maintenance of the entirety of the Smuggler's Gulch channel and Pilot Channel, is referenced as the "Proposed Project" for the purposes of this document (Figure 1, *Proposed Project Work Areas and Access*). The Proposed Project largely involves activities that are already occurring as part of the County and City's maintenance efforts and have previously been analyzed in the City's Final EIR and the County's IS/MND and a Subsequent MND. Due to the minor changes to the approved project, DPR is acting as Lead Agency and is preparing this Addendum to the City's Municipal Waterways Maintenance Plan Final EIR. The City may act as a Responsible Agency. While the Proposed Project includes routine maintenance activities that will be needed on a regular basis, the County is conducting these maintenance activities only in Fiscal Year 2023-2024 due to one-time grant funding the County has received to complete the dredging. The County and City are currently in coordination to determine the best approach for long-term maintenance of the Smuggler's Gulch channel and Pilot Channel after Fiscal Year 2023-2024.

The activities addressed in this document are proposed to achieve the ultimate objective of addressing flows of sewage, trash, and sediment into the Tijuana River Valley and are consistent with the types of activities envisioned in the Final EIR and are maintenance in nature and already being conducted by the County and the City. Additionally, there are not substantial changes in regard to circumstances or new information of substantial importance such that the specific activities now proposed would result in new significant impacts or impacts of substantially increased severity.



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Source: Aerial (Nearmap 2023)

HELIX Environmental Planning

Proposed Project Work Areas and Access

Figure 1

This Addendum was prepared per Section 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines to analyze whether the changes to the approved project would result in new or substantially more severe significant environmental impacts, as compared to what was analyzed in the Final EIR. Accordingly, the significance thresholds from the Final EIR are evaluated in this document for the Proposed Project. There are some differences between the thresholds used in the Final EIR and the significance thresholds contained in the CEQA Guidelines Appendix G. These differences are identified and addressed in the analysis sections below, where relevant. The Addendum supports the conclusion that only minor technical changes or additions are necessary and that none of the conditions described in the CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental environmental document have occurred.

The individual analysis of each CEQA impact is discussed in Section 3.0, *Environmental Analysis*, of this Addendum. This analysis concludes that the Proposed Project as discussed below in Section 2.0, *Project Description*, would not alter the conclusions reached in the impact analysis in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The approved project resulted in the following impacts in the Final EIR:

- No significant or less-than-significant impacts on agricultural resources; energy; geologic conditions; growth inducement; health and safety/hazards; hydrology; land use, mineral resources; public services and facilities; public utilities; and transportation, circulation, and parking;

- Less-than-significant impacts, with mitigation incorporated, on aesthetics/visual effects and neighborhood character; air quality and odor; historical, archaeological, and tribal cultural resources; and noise; and

- Significant and unavoidable impacts with mitigation incorporated on biological resources; solid waste; and water quality.

1.2 BACKGROUND

The Tijuana River crosses from Mexico into the U.S. approximately five miles upstream of its outlet to the Pacific Ocean. While dry weather flows from the Tijuana River are intended to be diverted to a treatment system in Tijuana, Mexico before reaching the U.S. or to a treatment system operated by the International Boundary and Water Commission (IBWC), the amount of flow that occurs during rain events generally exceeds the capacity of the existing diversion and treatment systems in the U.S. and Mexico. This limited diversion and treatment capacity results in frequent transboundary flows of sewage, trash, and sediment, which cause public health, environmental, and safety issues.

Regionally, the Proposed Project area is part of the Tijuana River watershed. The Tijuana River watershed is a large (1,750 square miles), binational watershed that straddles the border of San Diego County, California, and northern Baja California in Mexico. Approximately three quarters of the watershed lies in Mexico and includes the cities of Tijuana and Tecate. On the U.S. side, the watershed extends into the jurisdictions of the City of San Diego, the City of Imperial Beach, and the County of San Diego. The Tijuana River flows from Mexico into the U.S. and ultimately discharges into the Pacific Ocean through the Tijuana River Estuary.

The Smuggler's Gulch channel is a tributary to the Tijuana River, while the Pilot Channel is a channel that was created as an emergency action by the City in 1993 to direct larger storm flows away from the northern portion of the Tijuana River Valley where extensive flooding had resulted in significant damage to public and private property. Locally, the Proposed Project area is approximately one-half mile north of the international border in the jurisdiction of the City, 1.5 miles east of Interstate 5 (I-5) and approximately two miles inland of the Pacific Ocean along the Tijuana River. More specifically, the Proposed Project is within the boundaries of DPR's Tijuana River Valley Regional Park (TRVRP) (Figure 1).

The County has historically maintained the portion of Smuggler's Gulch south of Monument Road pursuant to the United States Army Corps of Engineers (USACE) Regional General Permit 53 (RGP 53) Program, which is a blanket permit for mechanical sediment, vegetation, and debris removal activities within several County-maintained culverts and channels to prevent flooding of existing adjacent roadways and/or properties. Associated permits with the County's RGP 53 Program include the USACE RGP 53 Section 404 Permit, a State Water Resources Control Board (SWRCB) Section 401 Water Quality Certification, and a California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement. Environmental impacts associated with implementation of RGP 53 were considered and disclosed within a Mitigated Negative Declaration (MND) in 1998 and a Subsequent MND in 1999 (Attachment B). Environmental impacts included potentially significant impacts on sensitive wildlife species (unarmored three-spined stickleback, arroyo southwestern toad, least bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, and Stephen's kangaroo rat). Mitigation efforts included protocol surveys prior to construction to confirm presence followed by restoration or creation of habitat at established ratios for each species. An Addendum to the RPG 53 MND was prepared in 2021 to evaluate the installation of a sedimentation basin in Smuggler's Gulch (south of Monument Road) and includes some of the Proposed Project area. Some of the existing conditions and other pertinent information from the 2021 Addendum has been incorporated into this Addendum.

The City has historically maintained the Smuggler's Gulch channel north of Monument Road and the Pilot Channel, pursuant to the Municipal Waterways Maintenance Plan (MWMP, Project No. 616992), which is a Citywide plan to guide general maintenance and improvement of the City's storm water facilities. MWMP activities consist of maintenance and repair activities (City of San Diego 2020a and 2020b). Maintenance activities include vegetation and invasive plant species management, sediment/debris removal, structural/debris/ trash-fence clearing, and culvert clearing. Repair activities include concrete (minor and major) and bank repair, and structural/debris/trash-fence repair. In the Smuggler's Gulch channel, excessive sediment loads reduce the capacity of natural channels to carry storm flows, which exacerbates flooding that adversely impacts residential, agricultural, and recreational property in the Tijuana River Valley. Sediment is cleared from the Smuggler's Gulch channel to maintain its capacity to carry storm flows and minimize the effects of flooding.

The Pilot Channel was constructed by the City in 1993 to direct larger storm flows away from the northern portion of the Tijuana River Valley where flooding has resulted in significant damage to public and private property. Since then, the Pilot Channel has been frequently cleared to reduce flood risk, including in 2004 and 2009 when emergency excavation occurred, and between September 2012 and March 2019 when routine maintenance was conducted. The City has continued maintaining portions of the Pilot Channel and Smuggler's Gulch channel as recently as Spring 2023.

Associated permits with the MWMP include a SWRCB Section 401 Water Quality Certification, CDFW Streambed Alteration Agreement, Section 404 Permit from the USACE, an Incidental Take Permit (ITP) from the United States Fish and Wildlife Service (USFWS), and a Coastal Development Permit (CDP) from

the California Coastal Commission (CCC). Also, environmental impacts associated with implementation of the MWMP, the approved project, were documented within the Final EIR (State Clearinghouse [SCH] 2017071022). The Final EIR evaluated proposed MWMP improvements at a project and program level, including project-level analysis for dredging projects in the Smuggler's Gulch channel north of Monument Road and the Pilot Chanel. The Final EIR was circulated for a 45-day public review period pursuant to the requirements of Section 15105 of the CEQA Guidelines. The review period gave agencies, organizations, and members of the public the opportunity to review the Draft EIR and provide comments on the document and the environmental analysis presented therein. The City considered all relevant comments in preparation of the Final EIR.

The Final EIR for the approved project was prepared in accordance with the requirements of the CEQA (California Public Resources Code [PRC] Section 21000, et seq.) and the CEQA Guidelines (California Administrative Code, Title 14, Section 15000, et seq.). The purpose of the Final EIR was to provide the decision-making body (City Council), responsible agencies, and the public with information regarding the environmental impacts of the approved project. The City Council certified the Final EIR on June 23, 2020.

The Proposed Project would include maintenance activities, including dredging, within the Smuggler's Gulch channel (north and south of Monument Road) and the Pilot Channel. The City's EIR addressed the majority of the Proposed Project area and detailed similar stormwater maintenance activities as the Proposed Project; thus, the Proposed Project tiers from the City's Final EIR. As such, this Addendum analyzes the proposed County maintenance dredging activities within the Smuggler's Gulch channel (north and south of Monument Road) and the Pilot Channel in accordance with the objectives set forth in the City's MWMP, which are fully detailed in Section 2.0, *Project Description*.

1.3 PURPOSE OF ADDENDUM TO THE FINAL EIR

When an approved project is changed or there are changes in the environmental setting, a determination must be made by the Lead Agency as to whether an Addendum or Subsequent/ Supplemental EIR is needed. The CEQA Guidelines Section 15162 and 15164 set forth criteria to assess which environmental document is sufficient and appropriate. The criteria for determining whether an Addendum or Subsequent/Supplemental EIR should be prepared are outlined in this section. If the following statements are true, then preparation of an Addendum is appropriate:

- There are no substantial changes proposed in the project that will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Substantial changes have not occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, that shows any of the following:

    - The project will have one or more significant effects not discussed in the previous environmental document;

- Significant effects previously examined will be substantially more severe than shown in the previous environmental document;

- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or

- Mitigation measures or alternatives that are considerably different from those analyzed in the previous environmental document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

- An addendum to an adopted EIR may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent environmental document have occurred.

1.4 SUMMARY OF FINDINGS

Based upon the analysis in Section 3.0, *Environmental Analysis*, of this document, the changes to the approved project analyzed in the Final EIR would not result in new significant impacts or substantially increase the severity of significant impacts previously identified in the Final EIR. Additionally, the mitigation measures set forth in the Final EIR are still applicable, and no new mitigation measures are required to mitigate the changes to the approved project. Therefore, the Lead Agency has determined that, consistent with the CEQA Guidelines Section 15162, an Addendum to the Final EIR is sufficient and appropriate, and this environmental document has been prepared to analyze the environmental effects of the Proposed Project. Public review of this Addendum is not required per the CEQA Guidelines Section 15164.

2.0 PROJECT DESCRIPTION

2.1 PROJECT SETTING AND LOCATION

The Smuggler's Gulch channel is an earthen bottom channel that is tributary to the southern channel of the Tijuana River and flows in a northernly direction from the U.S./Mexico border past Monument Road until its confluence with the Pilot Channel. The entire length of Smuggler's Gulch channel from the United States-Mexico border to the Pilot Channel is approximately 4,300 feet in length and covers land owned by the County (3,000 feet) and the City (1,300 feet). The portion of Smuggler's Gulch channel south of Monument Road is approximately 1,400 feet in length, located on County property. The portion of Smuggler's Gulch channel north of Monument Road is approximately 2,900 feet in length with split ownership on County (1,600 feet) and City (1,300 feet) properties. A land ownership map showing the split in land ownership and historical maintenance efforts is included as Attachment A.

The Pilot Channel is an earthen bottom channel within the South Channel of the Tijuana River and extends in an east to west direction, beginning 100 feet east of the Hollister Street Bridge and ending 5,300 feet west of the bridge, prior to the property line between the City ownership and USFWS National Wildlife Refuge (NWR) ownership, for a total length of 5,400 feet. As described in the Final EIR Appendix A (Part C), the shape of the Pilot Channel is approximately 23 feet wide at the top of bank and 15 feet wide at the bottom with a facility depth of approximately 5 feet.

The Hollister Street Bridge crosses over the Pilot Channel at Hollister Street, a two-lane paved City-maintained road with no shoulder. Overhead power lines occur on the western side of Hollister Road. Monument Road is a two-lane paved City-maintained road with a dirt shoulder and culvert where it crosses over Smuggler's Gulch channel. Flows entering the U.S. from Mexico at Smuggler's Gulch frequently exceed the capacity of the existing culvert under Monument Road. During these conditions, Monument Road floods and becomes unpassable, which cuts off access to the homes and properties located along Monument Road and to the west of Smuggler's Gulch. Immediate surrounding land uses include the TRVRP and scattered rural residential uses, a horse farm, agricultural land uses, and undeveloped land. Overhead power lines generally traverse the roadway alignment in this area.

2.2 PROJECT COMPONENTS

The Proposed Project consists of dredging, excavation, and grading activities of Smuggler's Gulch channel and the Pilot Channel as well as any culverts or infrastructure within these channels. Work would occur within areas that have been historically and routinely maintained and dredged. The Proposed Project would involve removal of accumulated sediment and debris and maintain flow patterns to address public health and safety concerns. The Proposed Project would involve the temporary use of access roads and staging areas to complete these maintenance activities. The Proposed Project would be implemented by the County in Fiscal Year 2023-2024 due to one-time grant funding the County has received to complete the dredging. The County and City are currently in coordination to determine the best approach for long-term maintenance of the Smuggler's Gulch channel and Pilot Channel after Fiscal Year 2023-2024.

Dredging and Sediment Removal Activities

The Proposed Project includes routine dredging and sediment removal activities within the approximately 5,400-linear foot Pilot Channel and the approximately 4,300-linear foot Smuggler's Gulch channel (north and south of Monument Road) for a total of approximately 9,700 linear feet. The Proposed Project is estimated to involve up to 30,000 cubic yards to be removed and disposed of at a landfill annually. The locations of the three Proposed Project areas and associated proposed activities are shown on Figure 1, and described below:

- Pilot Channel. Dredging would occur within an existing 23-foot-wide corridor (approximately 5 feet deep with a 15-foot-wide channel bottom) for a total length of 5,400 feet. Activities in the channel would include a combination of mechanized dry excavation and bucket fill and dredging. Grading to re-construct the channel bank with compacted soil material may also occur as needed. An existing gabion mattress is located within the Pilot Channel at its confluence with the Smuggler's Gulch channel and may be repaired/maintained as part of the Proposed Project.

- Smuggler's Gulch channel (north of Monument Road). Dredging would be limited to a footprint approximately 20 feet wide and up to 2,900 feet long and would consist of dry excavation to maintain the channel. Other improvements would include cleaning the existing culverts located under Monument Road and at the Disney Land Crossing.

- Smuggler's Gulch channel (south of Monument Road). Dredging would be limited to a footprint approximately 20 feet wide and up to 1,400 feet long and would consist of dry excavation.

Construction Access and Turnaround Areas

Construction access would utilize existing paved roads, staging areas, excavation areas, and turn-arounds, and three existing off-road routes (Figure 1). One off-road access route runs east from Hollister Road, on the south side of the Hollister Street Bridge, providing access to the southern bank of the Pilot Channel, east of Hollister Street. Another route runs parallel to the Smuggler's Gulch channel. The third leads south from an unnamed road that runs in an east-west direction between Hollister Street and Saturn Boulevard.

Each of these routes are pre-existing, hard-packed dirt roads and are also used as equestrian trails. The access route that runs from the existing trail east of Hollister Street to the Pilot Channel may require minor grading in order to be used by equipment. The access route along Smuggler's Gulch channel includes an existing 15-foot-wide access ramp from the east bank that extends approximately 75 feet into the channel, north of the Disney Crossing. Three equipment turnaround areas would be utilized within the Pilot Channel, approximately 30 feet by 24 feet.

Material and Equipment Staging

Two existing material and equipment staging areas (Staging Area B and Staging Area D) are proposed in disturbed upland areas for storage of earth-moving equipment during construction, as well as temporary handling of dredged soil materials (Figure 1). Fresh fill and dredge spoils would be stored and transferred to and from staging areas prior to landfill placement. Manual and mechanical separation would also occur to sort sediment, vegetation, trash, and tires. Measures including solarization of all cut biomass removed from the channel areas followed by mulching and subsequent off-site material disposal would also be implemented to prevent the spread of shot hole borer. Staging Area B is located

east of Smuggler's Gulch channel and Staging Area D is located further east of the Proposed Project adjacent to the South Bay International Wastewater Treatment Plant. The locations of each staging area are further described below:

- Staging Area B is east of and adjacent to Smuggler's Gulch channel in disturbed lands previously used for staging. There is a permanent earthen berm between this area and Smuggler's Gulch channel protecting it from flooding. Permanent gated access is provided from Monument Road. No excavation or grading would be necessary in this area.

- Staging Area D is located adjacent to the South Bay International Wastewater Treatment Plant on previously disturbed slopes and pads along Monument Road and would be used in conjunction with Staging Area B for staging equipment and spoil materials. No excavation or grading would be necessary in this area.

2.2.1 Environmental Procedures and Mitigation Measures

Applicable Environmental Procedures (EPs) and Mitigation Measures (MMs) from the Final EIR are included below and have been refined to reflect the Proposed Project. DPR is the CEQA Lead Agency for this Addendum and is responsible for implementation of the EPs and MMs in the Final EIR prepared by the City, as applicable to the Proposed Project. The language of the applicable EPs and MMs in this Addendum has been updated to reflect this change and to facilitate implementation and tracking. Minor updates to the EPs and MMs have been made to comply with County processes. These updates to the EPs and MMs are shown in strikeout/underline below and are also included in Attachment C, *Project Specific Environmental Procedures and Mitigation Measures*.

Applicable EIR Environmental Procedures

The Proposed Project would incorporate the following Environmental Procedures (EPs) identified in the City's Final EIR, as applicable.

EP-BIO-1 FMP Preparation/Verification. ~~The Transportation & Storm Water Department (TSW)~~DPR shall prepare a Project-specific Facilities Maintenance Plan (FMP) ~~Facility Maintenance Plan (FMP)~~ for new facilities or verify consistency of the ~~project~~ Proposed Project with the applicable FMP(s) included in the approved ~~Municipal Waterways Maintenance Plan (~~MWMP~~)~~ Appendix A, and ~~which~~ shall include written and graphic depiction of the facility-specific biological resources/impacts and avoidance areas, access/staging/loading routes, the equipment that will be used to complete the maintenance, and applicable mitigation measures. FMPs are designed to avoid and minimize impacts to biological resources to the maximum extent practicable while providing flood risk reductions and ensuring the ongoing functionality of existing infrastructure. If compensatory mitigation has been provided for previously permitted maintenance areas, proof of mitigation implementation/credit will be provided as part of the Proposed Project-specific FMP.

EP-BIO-2 Lighting Restrictions. ~~TSW~~ DPR shall ensure nighttime lighting required ~~nighttime~~ during emergency maintenance complies with the City of San Diego ~~(City)~~ Outdoor Lighting Regulations pursuant to Land Development Code (LDC) Section 142.0740 and the County Light Pollution Code Division 9 of the San Diego County Code to the maximum extent practicable, and shall be low-pressure sodium illumination (or similar) and directed away from the Multiple Species Conservation Program

preserve when the work site is adjacent to the Multi-Habitat Planning Area (MHPA) using appropriate placement and shielding.

EP-BIO-3a Qualified Biological Monitor. ~~TSW~~ DPR shall ensure the following protocols are included in the FMP for ~~each project~~maintenance activities within or adjacent to sensitive biological resources:

1. *Qualified Biologist*. DPR shall retain a Qualified Biologist (QB) to implement required monitoring and follow all applicable county, state, and federal guidelines.~~At least 3 days prior to the start of maintenance activities, the Project Biologist shall submit a letter to Mitigation Monitoring Coordination (MMC) that confirms a qualified monitoring biologist (QMB), as defined in the City of San Diego Biology Guidelines (SDBG), has been retained to implement required monitoring. This letter shall also include the names and resumes of all persons involved in the biological monitoring of the project, a schedule for the proposed work, and the facility's pre-approved FMP.~~

2. *Documentation*. Prior to ~~the~~ commencing maintenance on any storm water facility within, or immediately adjacent to, an MHPA, ~~the Environmental Designee (ED)~~DPR shall verify that all MHPA boundaries and limits of work have been delineated on all maintenance documents.

3. *Biological Construction Mitigation/Monitoring Exhibit*. The ~~Qualified Biologist~~QB shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes limits of work, proposed monitoring schedule, avian or other wildlife surveys/survey schedules (including general avian nesting and ~~U.S. Fish and Wildlife Service [~~USFWS~~]~~ protocol), timing of surveys, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the ~~Qualified Biologist~~QB and ~~the City ED/MMC.~~ DPR. The BCME shall include the FMP site plan, written and graphic depiction of the Proposed ~~project's~~ Project's biological mitigation/-monitoring program, and a schedule. Where the potential for impacts to biological resources is limited (e.g., removal of sediment or debris from an unvegetated concrete structure that flows into a closed storm drain system during the non-breeding season), the monitoring program may be limited to a pre-and post-maintenance verification inspections. For highly sensitive resource areas, full-time biological monitors may be required. The BCME shall be approved by ~~the MMC~~ DPR prior to the start of maintenance.

4. *Resource Marking/Protection*. Prior to maintenance activities, the ~~Qualified Biologist~~ QB shall ~~supervise~~ confirm the placement of orange construction fencing or visible marker, staking, or flagging along the limits of the facility maintenance area adjacent to sensitive biological habitats, as shown on the BCME, to ensure crews remain in the approved maintenance areas. These demarcations will not be required for facilities with existing structures, such as chain-link fencing, along the limits or facilities that are adjacent to urban and non-sensitive habitat areas. This phase shall include flagging plant specimens and delineating buffers to protect sensitive biological resources (e.g., habitats, sensitive flora and fauna species, including nesting birds) during construction. Appropriate steps/care shall be taken to minimize attraction of nest predators to the site.

EP-BIO-3b Pre-Construction Meeting/Education. Prior to the start of any activity~~ where the FMP for the proposed maintenance area indicates that significant impacts to biological resources may occur, TSW~~, DPR shall arrange an on-site pre-maintenance meeting with the following in attendance: ~~MMC~~ County representative, Project Consultant(s) (e.g., ~~QMB), TSW,~~QB), Construction Manager (CM) (if applicable),

Resident Engineer (RE) (if applicable), and other parties of interest. At this meeting, the ~~QMB~~QB shall identify and discuss the maintenance protocols that apply to the maintenance activities and the sensitive nature of the adjacent habitat with the crew and subcontractor.

At the pre-maintenance meeting, the ~~QMB~~QB shall submit to ~~the MMC~~ DPR and CM a copy of the FMP and BCME that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices, if applicable.

Prior to commencement of maintenance activities, the ~~Qualified Biologist~~QB shall meet with the crew supervisor and the maintenance crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved maintenance area and to protect sensitive flora and fauna that may occur at the specific facility (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas).

EP-BIO-3c Biological Monitoring and Reporting. The designated ~~QMB~~QB shall inspect/monitor the Proposed ~~project~~ Project area in accordance with the approved BCME. This may be limited to pre-and post-maintenance inspections, weekly visits, or full-time monitoring, as determined by the ~~Qualified Biologist~~QB and ~~MMC~~DPR. The ~~QMB~~QB shall document monitoring events ~~via a Consultant Site Visit Record. . This record shall be sent to the TSW each month and the TSW shall forward copies to MMC. However, if weekly reports are submitted as part of a separate agency permit requirement, these reports may be forwarded to MMC in place of Consultant Site Visit Record submittals.~~ If no deviations from the FMP occur during maintenance, no additional documentation is required. If deviations from the FMP occur, such as unanticipated impacts to sensitive vegetation communities or unanticipated discharge of pollutants, a Final Monitoring Report shall be prepared within 3 months following the completion of mitigation monitoring detailing maintenance and monitoring that occurred and any remedial or compensatory measures taken.

EP-BIO-4 Handling of Non-Native Invasive Plant Species. Where an FMP involves potential disturbance of non-native invasive plant species (as identified by the California Invasive Plant Council), ~~TSW~~ DPR shall implement standard environmental hygiene practices and the following maintenance procedures, or current best practices approved by the QB, to ensure that dispersal of propagules (e.g., seeds, stems) are avoided or minimized:

- When non-native invasive plants can be removed entirely (e.g., root and aboveground plant material), the removal shall be monitored by the ~~QMB~~QB.

- When removing the roots of non-native invasive plants is not feasible (e.g., when erosive flows are predicted), ~~TSW~~ DPR shall determine if any above-ground plant material can be removed (e.g., cut/trimmed). The removal of any above-ground plant material shall be monitored by the ~~QMB~~QB. If herbicides are used to treat roots or cut/trimmed plants, it shall be applied by a Licensed Pest Control Advisor using chemicals permitted as safe within aquatic environments.

- When removing the roots and above-ground non-native invasive plants is not feasible (e.g., due to limited access), ~~TSW~~ DPR shall coordinate with the ~~QMB~~QB to determine if herbicides or other methods to treat plant material could be implemented. If herbicides are used to treat roots or cut/trimmed plants, it shall be applied by a Licensed Pest Control Advisor using chemicals permitted as safe within aquatic environments.

- ~~TSW~~ DPR shall inspect and clean in place any equipment and tools used to handle, remove, and/or treat non-native invasive plants on a daily basis during active maintenance to limit the transfer of invasive rhizomes, seeds, and infectious agents to new off-site work areas.

EP-BIO-5 Sensitive Plant Species Protection. If maintenance activities will occur adjacent to areas suitable for listed and/or narrow endemic plants, and no direct impacts are proposed to occur, ~~TSW~~ DPR shall ensure the boundaries of the plant populations designated sensitive by the resource agencies are clearly delineated with flagging or temporary fencing that must remain in place for the duration of the activity.

EP-BIO-6 Handling of Potential Shot Hole Borer or Other Infestations. If maintenance within a particular facility will impact woody riparian vegetation within a watershed where shot-hole borer is known to occur, ~~TSW~~ DPR shall ensure a biologist knowledgeable of shot-hole borer life history and behavior conducts an initial premaintenance survey of the facility segments to determine if indicators of shot-hole borer infestation are present within the maintenance area. If no indicators of shot-hole borer are observed, removal and disposal of the vegetative material shall proceed as planned.

If signs of shot-hole borer are observed, the following procedures, or current best practices, shall be implemented to manage the infestation and prevent further spread of the pest:

- Disinfect all tools that come into contact with infected woody material using a 5percent bleach solution, Lysol spray, 70percent ethanol (or isopropyl).

- Either chip or incinerate all woody vegetative material removed as part of maintenance.

    - If chipping method is used, all woody vegetative material removed as part of maintenance shall be chipped to less than 1 inch to dry the inwood climate out and make it unsuitable for beetles or fungus.

Following chipping, material shall be solarized in the facility staging or stockpile area on site using a clear plastic or visqueen covering. The solarizing period shall be a minimum of two weeks during summer months and two months (or longer depending on weather) during winter months. The goal is to maintain temperatures under the cover between 95°F and 105°F. For any other pests that are identified as being present within vegetation in a facility maintenance area, the maintenance and removal methods will follow the most current scientifically-supported protocol for treatment and disposal of the material in order to avoid inadvertent dispersal of the pest species.

EP-GEO-1 Preparation of Geotechnical Report. ~~Projects that involve earthen bank repair activities as described in the Municipal Waterways Maintenance Plan (MWMP) are subject to compliance with Land Development Code (LDC) Section 142.0131.~~ When earthen bank repair is necessary ~~for a specific project, City of San Diego (City) Transportation & Storm Water Department~~, DPR shall ensure a geotechnical report for any new earthen bank repair activities not analyzed as part of the approved project is prepared in accordance with the Guidelines for Geotechnical Reports in the City's Land Development Manual and/or applicable local, state, or federal guidelines, and the earthen bank repair design incorporates the recommendations of the geotechnical report. The geotechnical report shall also be submitted for review during the subsequent review process.

EP-SW-1 Waste Management Plan. The City Transportation & Storm Water Department (TSW) has prepared a Waste Management Plan in accordance with the City's CEQA Significance Determination

Thresholds. The Waste Management Plan adheres to the City's Guidelines for a Waste Management Plan. The Waste Management Plan includes a description of the Proposed ~~project~~ Project and overall timeline, and identifies the type and tonnage of waste that would be generated, identifies ways to manage or reduce the waste (e.g., source reduction, recycling, composting), summarizes and identifies the effectiveness of different measures used to reduce waste, and identifies a plan for implementation. The Waste Management Plan also identifies the name and location of recycling, reuse, and landfill facilities where recyclables and waste shall be taken if not reused on site. ~~The Waste Management Plan shall be approved by the Environmental Services Department, and TSW~~ DPR shall ensure the approved Waste Management Plan and EP-SW-2 through EP-SW-8 are ~~is~~ implemented prior to the start of any maintenance activity proposed under the Municipal Waterways Maintenance Plan.

EP-SW-2 Reusable Materials. Soil, sand, and silt shall be screened to remove waste debris and re-used as fill material, aggregate, or other raw material unless conditions specified in the Waste Management Plan make the use of screening equipment inappropriate or infeasible. For maintenance activities in concrete-lined or earthen-bottom storm water facilities that are not located in areas with known contamination or where unexpected contamination is encountered, a shaker or comparable equipment to separate and/or sort material shall be used, unless conditions specified in the Waste Management Plan make the use of this equipment inappropriate or infeasible, to separate reusable and recyclable materials from non-reusable materials. Once excavated material has been placed in stockpiles, it shall be screened and separated with the use of a shaker or comparable equipment unless this process is found to be infeasible, per the specifications in the Waste Management Plan. Reusable materials (e.g., soil, sand, or silt) that have been separated out shall be diverted to other sites within the ~~City~~ County that are in need of fill, aggregate, or other raw materials unless specific conditions provided in the Waste Management Plan indicate that reuse is not appropriate or feasible.

EP-SW-3 Suitable Reuse. If not reused on site, excess fill dirt shall be beneficially reused by means of dirt brokers, or donated to another project, or advertised as available via print ad, online, or any other suitable means unless conditions specified in the Waste Management Plan make diversion of geologic materials infeasible.

EP-SW-4 Green Waste. Green waste material shall be diverted from disposal and put to the highest and best use (e.g., compost or landfill cover), unless conditions specified in the Waste Management Plan make diversion of green waste infeasible.

EP-SW-5 Tire Disposal. Waste tires shall be separated and transported to an appropriate recycling facility. If more than nine tires are in a vehicle or waste bin at any one time, they shall be transported under a completed Comprehensive Trip Log to document that the tires were taken to an appropriate recycling facility.

EP-SW-6 Material Diversion. When removal of sediments and debris from channels and storm drains are required, a preliminary estimate of the materials that can be diverted to beneficial use shall be made. Receipts from disposal, re-use, and recycling options shall indicate that 50 percent of materials are diverted. These uses shall include (a) recycling; (b) composting; (c) use as a fill material; (d) alternative daily cover; (e) land application; (f) cement, brick, block, or asphalt constituent; (g) road bed; (h) beach replenishment; or (i) other non-disposal use.

EP-SW-7 Landfill Notification. Only facilities properly permitted by the state, County of San Diego, or local authorities, where applicable, shall be used. Notification shall be provided to the Miramar Landfill at least 24 hours in advance of bringing in 10 tons or more of waste in any 1 day, or 60 tons or more in any 1 month.

EP-SW-8 Composting. Compostable green waste shall be taken to an approved composting facility, if available, unless conditions specified in the Waste Management Plan make diversion of green waste infeasible.

EP-WQ-1. Water Pollution Control Plan. The City of San Diego (City) Storm Water Standards Manual require the development of a Water Pollution Control Plan (WPCP) that outlines the best management practices (BMPs) and pollution prevention measures that shall be implemented prior to and during maintenance activities (hereafter referred to as "facility water quality protection BMPs"). ~~A Municipal Waterways Maintenance Plan (~~A MWMP~~)~~ facility-specific WPCP shall be developed prior to maintenance, using the WPCP Guidance Document specific to the MWMP. These facility-specific WPCPs shall be tailored to address facility-specific water quality conditions and BMP requirements based on the actual maintenance procedures that will be performed and the location of the ~~Multi-Habitat Planning Area (~~MHPA~~)~~ boundary. BMPs shall ensure no trash, oil, parking, or other maintenance-related material/activities adversely affect the MHPA preserve. The BMP categories that shall be addressed in each WPCP include the following:

- Project planning
- Good site management "housekeeping"
- Non-storm water management
- Erosion control
- Sediment control
- Run-on and run-off control

Consistent with the City Storm Water Standards Manual and other regulatory requirements, each WPCP shall include objectives, responsibilities, and maintenance and inspection standards to ensure adherence to pollution prevention standards.

Applicable EIR Mitigation Measures

The Proposed Project would incorporate the following mitigation measures identified in the City's Final EIR, as applicable:

MM-AQ-1 Tier 4 Interim Construction Equipment. Prior to the commencement of any four or more concurrent construction activities within the MWMP area, ~~the City of San Diego Transportation & Storm Water Department (TSW) or its designee~~DPR shall sum the estimated corresponding maximum daily construction nitrogen oxide (NO_X) emissions from the Final EIR Table 5.2-6, Estimated Maximum Daily Construction Emissions By Representative Project (Unmitigated), to determine if the combined emissions exceed the San Diego County Air Pollution Control District (SDAPCD) construction threshold of 250 pounds per day for NO_X. If the combined NO_X emissions exceed the SDAPCD threshold, ~~TSW or its designee~~the CM shall provide evidence to DPR that, for off-road equipment with engines rated at 75 horsepower or greater, no equipment shall be used that is less than Tier 4 Interim.

An exemption from these requirements ~~may~~ would be granted if ~~TSW~~ DPR documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption ~~may be~~is considered ~~by the Environmental Designee/Mitigation Monitoring Coordination, TSW,~~ DPR shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed Tier 4 Interim equipment could not be located within the San Diego region. If Tier 4 Interim equipment is not reasonably available, then all diesel-powered equipment, equal to or greater than 75 horsepower, shall have at least California Air Resources Board-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement), which provides an equivalent reduction.

MM-BIO-2 Unintended Impact Mitigation. Should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatments within any unintentional disturbance areas in native habitat in accordance with the ~~SDBG, and the Landscape Standards in the City's Land Development Manual~~City and/or County guidelines. Habitat revegetation shall feature native species that are typical of the area, and erosion control features shall include silt fence and straw fiber rolls, where appropriate (e.g., in areas where sheet flow during rain events may cause erosion). The revegetation areas shall be monitored and maintained for a minimum of 25 months to ensure adequate establishment and sustainability of the plantings/seedlings to reduce the risk of erosion and/or non-native, invasive plant species establishment~~, in accordance with the Landscape Standards in the City's Land Development Manual~~ .

MM-BIO-4: Avoidance of Nesting Bird Impacts. To avoid ~~any~~ direct impacts to ~~any~~ species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (USFWS), removal of habitat that supports active nests in the proposed area of disturbance shall occur outside of the breeding season of these species (January 15 through September 15), where feasible. If removal of habitat in the proposed area of disturbance must occur during the breeding season, the ~~Qualified Biologist~~QB shall conduct a pre-construction survey to determine the presence or absence of nesting birds within the proposed area of disturbance. The pre-construction survey shall be conducted no more than ~~seven~~ three calendar days prior to the start of construction activities (including removal of vegetation). ~~TSW~~ DPR shall ~~submit~~ review and approve the results of the pre-construction survey ~~to City Development Services Department for review and approval~~ prior to initiating any construction activities. If nesting birds are detected, a general survey report or and an avoidance plan, if applicable, in conformance with the SDBG and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, and construction barriers/buffers) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs is avoided.

MM-BIO-5: Avoidance of Listed Species Take. Prior to the preconstruction meeting, ~~the Environmental Designee (ED)/MMC~~ DPR shall verify that Multi-Habitat Planning Area (MHPA) boundaries and the requirements regarding the least Bell's vireo, Ridgway's rail, ~~California least tern,~~ and southwestern willow flycatcher as specified below, are shown on the Facility Maintenance Plans.

No clearing, grubbing, grading, or other construction activities shall occur during the least Bell's vireo and Ridgway rail's breeding season (March 15 through September 15)~~, California least tern breeding season (April 15 through September 15)~~, or southwestern willow flycatcher breeding season (May 1 through September 15) until the following requirements have been met to the satisfaction of ~~the ED/MMC~~DPR:

1. A ~~Qualified Biologist~~QB (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dBA] hourly average for the presence of the least Bell's vireo and southwestern willow flycatcher. Surveys for least Bell's vireo and southwestern willow flycatcher, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If least Bell's vireo or southwestern willow flycatcher are present, then the following conditions must be met, unless otherwise approved by the QB:

    a. March 15 through September 15 for least Bell's vireo and May 1 through September ~~1~~15 for southwestern willow flycatcher, no clearing, grubbing, or grading of occupied habitat shall be permitted unless noise attenuation or minimization measures are in place that reduce noise levels below 60 dBA. Areas restricted from such activities shall be staked or fenced under the supervision of a ~~Qualified Biologist~~QB; and

    b. March 15 through September 15 for least Bell's vireo and May 1 through September ~~1~~15 for southwestern willow flycatcher, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by DPR ~~a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks~~ prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a ~~Qualified Biologist~~QB; or

2. ~~At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, a~~Attenuation or minimization measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dBA hourly average at the edge of habitat occupied by the least Bell's vireo, and/or southwestern willow flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dBA hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and ~~the ED/MMC~~DPR,

as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures ~~may~~ include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

3. If least Bell's vireo and/or southwestern willow flycatcher are not detected during the protocol survey, the ~~Qualified Biologist~~QB shall submit substantial evidence to ~~the ED/MMC~~~~County~~DPR and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, and/or May 1 through September 15 for southwestern willow flycatcher, adherence to the following is required:

    a. If this evidence indicates that the potential is high for least Bell's vireo and/or southwestern willow flycatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

4. If work is proposed within a facility segment where Ridgway's rail has been identified to have a moderate or high potential to occur (Appendix E to Appendix D), then an agency-approved biologist will perform the following duties prior to the start of maintenance:

    a. A minimum of three focused pre-construction surveys on separate days, to determine the presence of Ridgway's rails in the facility Proposed ~~project~~ Project impact area outside the rail breeding season. Surveys will begin a maximum of 7 days prior to performing Proposed ~~project~~ Project construction and one survey will be conducted the day immediately prior to performing Proposed ~~project~~ Project construction. If Ridgway's rail are observed within the Proposed Project impact area, DPR will follow conditions and measures included in all regulatory agency permits for the Proposed Project and ensure no harm or take to Ridgway's rail occurs as a result of the Proposed Project and coordinate with regulatory agencies, as necessary. ~~Immediately after the facility maintenance area is surveyed by a biologist, a 3- to 5-foot-tall exclusionary fence with 2-inch mesh openings shall be installed at the upstream and downstream limits of the facility to discourage entry of Ridgway's rails into the construction area and to ensure that impact limits are not exceeded;~~

    ~~b. Before each day of maintenance begins, a Qualified Biologist shall survey the maintenance area to determine if Ridgway's rails have entered the facility impact area. If any rails are found within this area, the biologist will direct construction personnel to begin in an area away from the rails;~~

    ~~c. The biologist will walk ahead of maintenance equipment to flush birds toward areas of the facility that will be avoided. The biologist will also record the number and location of any Ridgway's rails disturbed by project construction.~~

MM-BIO-6: Avoidance of Raptor Breeding Impacts. If maintenance is planned to occur during the raptor breeding season (January 15 through August 31), a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat. If active raptor nests are found, maintenance shall not occur within:

- 300 feet of a Cooper's hawk nest,
- 900 feet of a northern harrier's nest, or
- 300 feet of any other raptor's nest until the ~~Qualified Biologist~~QB determines the nesting cycle is complete (i.e., when fledglings become independent).

If removal of any eucalyptus trees or other trees used by raptors for nesting within a maintenance area is proposed during the raptor breeding season (January 15 through August 31), a ~~qualified Biologist~~QB shall ensure that no raptors are nesting in such trees.

If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 300 feet of any nesting site of Cooper's hawk or other nesting raptor until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season.

In addition, if removal of grassland or other habitat appropriate for nesting by northern harriers, a ~~qualified Biologist~~QB shall ensure that no harriers are nesting in such areas. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 900 feet of any nesting site of northern harrier until the young fledge.

Maintenance activities may continue during the raptor breeding season if the QB determines, through sufficient bird and nest monitoring, that no impact to raptors will occur as a result of the maintenance.

MM-BIO-7: Avoidance of California Gnatcatcher Breeding Impacts in MHPA. Prior to the preconstruction meeting, ~~the ED/MMC~~DPR shall verify that the MHPA boundaries, and the requirements regarding the coastal California gnatcatcher, as specified below, are shown on the Facility Maintenance Plans. No clearing, grubbing, grading, or other construction activities shall occur during the coastal California gnatcatcher breeding season (February 15 through September 30 ~~March 1 through August 15~~ on MHPA lands), until the following requirements have been met to the satisfaction of the ~~ED/MMC~~DPR:

1. A ~~Qualified Biologist~~QB (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dBA] hourly average for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by USFWS within the breeding season prior to the commencement of any construction.

   If coastal California gnatcatchers are present, then the following conditions must be met:

   a. ~~March 1~~February 15 through ~~August 15~~September 30 on MHPA lands, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a ~~Qualified Biologist~~QB; and

   b. ~~March 1~~February 15 through ~~August 15~~September 30 on MHPA lands, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities

would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by ~~the ED/MMC~~DPR at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a ~~Qualified Biologist~~QB; or

c. At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dBA hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (~~August 16~~October 1). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and ~~the ED/MMC~~DPR, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures ~~may~~ would include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If coastal California gnatcatchers are not detected during the protocol survey, the ~~Qualified Biologist~~QB shall submit substantial evidence to ~~the ED/MMC~~DPR and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary from ~~March 1~~February 15 through ~~August 15~~September 30 on MHPA lands as follows:

   a. If this evidence indicates that the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.

   b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

2.3 PROJECT MODIFICATIONS SINCE EIR CERTIFICATION

The approved project allows the City to identify and regulate maintenance and repair activities within open storm water facilities at numerous locations pursuant to the MWMP, including storm water maintenance within Smuggler's Gulch channel (north of Monument Road) and the Pilot Channel. The work is intended to involve removal of vegetation, debris, and sediment (silt, sand, and gravel) to prevent flooding and erosion of adjacent roadways and properties. Vegetation at some locations may be

cut and/or trimmed to increase water flow rates while minimizing the short-term temporary impacts to the habitat.

Since certification of the Final EIR by the City, the approved project has been revised. Specifically, the Proposed Project includes routine storm water maintenance of the County-maintained facility within Smuggler's Gulch channel south of Monument Road, including the currently funded dredging activities for FY 2023-24 and the currently unfunded dredging activities for future years. DPR is the CEQA Lead Agency for the Addendum to the City's MWMP EIR to include the maintenance and repair activities in Smuggler's Gulch channel north and south of Monument Road and the Pilot Channel. The County received one-time grant funding that will allow the County to complete the dredging outside of the County-maintained facility in Fiscal Year 2023-24. The County is in coordination with the City on this approach, with the understanding that while maintenance will be needed on a regular basis in these channels, the current dredging activities are one-time in nature due to existing grant funding obtained by the County and do not indicate the County's willingness or intent to take on maintenance of City-owned property within Smuggler's Gulch or any portion of the Pilot Channel.

The Proposed Project evaluated in this Addendum is the dredging and excavation of Smuggler's Gulch channel and the Pilot Channel identified in Section 2.2, *Project Components*. As noted, the approved project was the adoption of the MWMP and since the certification of the Final EIR, minor refinements to the approved project area and more specific information have become available regarding activities to be performed under the MWMP. The activities addressed in this document are proposed to achieve the ultimate objective of addressing flooding and flows of sewage, trash, and sediment into the Tijuana River Valley and are consistent with the types of activities envisioned in the Final EIR. The environmental impacts associated with this change from the approved project are discussed in Section 3.0, *Environmental Impact Analysis*.

3.0 ENVIRONMENTAL IMPACT ANALYSIS

As described in Section 2.0, *Project Description*, a change to the approved project has been proposed since preparation of the Final EIR. As such, the following comparative analysis has been undertaken pursuant to the provisions of CEQA Guidelines Sections 15162 and 15164 to provide the factual basis for determining whether changes in the approved project, change in circumstances, or new information since adoption of the Final EIR would require additional environmental review or preparation of a Subsequent EIR. This analysis focuses on whether the impact significance conclusions identified in the Final EIR would change under the Proposed Project. The environmental analysis provided in the Final EIR remains current and applicable to the approved project in areas unaffected by the Proposed Project for the environmental topics detailed in this section. An overview of the approved project impacts in relation to the Final EIR along with the Proposed Project impacts is provided in Table 1, *Impact Assessment Summary*.

Table 1
IMPACT ASSESSMENT SUMMARY

Environmental Issue	Final EIR	Proposed Project[1]	New Mitigation?
Aesthetics/Visual Effects and Neighborhood Character	Less than significant with mitigation	No new impacts	No
Agricultural Resources	Less than significant	No new impacts	No
Air Quality and Odor	Less than significant with mitigation	No new impacts	No
Biological Resources	Significant and unavoidable	No new impacts	No
Energy	Less than significant	No new impacts	No
Geologic Conditions	Less than significant	No new impacts	No
Greenhouse Gas Emissions	Less than significant	No new impacts	No
Growth Inducement	No impact	No new impacts	No
Health and Safety/Hazards	Less than significant	No new impacts	No
Historical/Archaeological, and Tribal Cultural Resources	Less than significant with mitigation	No new impacts	No
Hydrology	Less than significant	No new impacts	No
Land Use	Less than significant with mitigation	No new impacts	No
Mineral Resources	Less than significant	No new impacts	No
Noise	Less than significant with mitigation	No new impacts	No
Paleontological Resources	Less than significant	No new impacts	No
Public Services and Facilities	Less than significant	No new impacts	No
Public Utilities	Less than significant	No new impacts	No
Solid Waste	Significant and unavoidable	No new impacts	No
Water Quality	Significant and unavoidable	No new impacts	No
Transportation, Circulation, and Parking	Less than significant	No new impacts	No

[1] This response indicates that there would be no new significant impacts or no substantial increase in the severity of previously identified significant impacts.

3.1 AESTHETICS/VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

The City's MWMP Final EIR included the following thresholds/issues for aesthetics/visual effects and neighborhood character in Chapter 5, Environmental Analysis, in Section 5.1, which are consistent with aesthetics thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project result in a substantial obstruction in any vista or scenic view from a public viewing area as identified in the community plan?

Issue 2: Would the project result in a negative aesthetic site or result in substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area?

Issue 3: Would the project result in bulk, scale, materials, or style which would be incompatible with surrounding development?

Issue 4: Would the project result in the loss of any distinctive or landmark tree(s), or stand of mature trees as identified in a community plan?

Issue 5: Would the project result in a substantial change to the existing landform or natural topography or other ground surface relief features through landform alteration?

The Final EIR did not discuss potential impacts to scenic resources within a state scenic highway (CEQA Guidelines Appendix G, Issue I(b)) because it determined that none of the officially designated state scenic highway segments were within 0.5 mile of a MWMP facility. Although not included in the Final EIR, an evaluation is included in the Proposed Project Conclusion section below.

Final EIR Conclusion

The Final EIR for the approved project concluded that aesthetics/visual effects and neighborhood character impacts would be less than significant with the incorporation of mitigation measures. Specifically, potentially significant impacts were identified with respect to the addition of vegetation typically associated with programmatic elements such as the construction of new compensatory mitigation sites (Impact AES-1). No project-level impacts or other aesthetics/visual effects or neighborhood character impacts were identified because the approved project involves the maintenance of existing storm water facilities and does not include substantial topographic changes or the introduction of new structures. Also, there are no identified vistas or scenic views in the Tijuana River Valley Community Plan. Impacts related to light, glare, and shading were concluded to be not significant in the Final EIR Section 7.1, as activities would occur during the daytime or involve directed lighting on work areas in emergency situations and would not involve new structures or elements that would result in shading or produce glare.

Proposed Project Conclusion

Issue 1: Would the project result in a substantial obstruction in any vista or scenic view from a public viewing area as identified in the community plan?

Proposed activities within Smuggler's Gulch channel north of Monument Road and within the Pilot Channel under the Proposed Project would be similar to those anticipated in the MWMP. The addition of work areas south of Monument Road in the Smuggler's Gulch channel are also within the Tijuana River Valley Community Plan, similar to the Final EIR. Since the Tijuana River Valley Community Plan has not been amended to include vistas or scenic views, the Proposed Project would similarly not result in a substantial obstruction to scenic views identified in a community plan and no impact would occur. Additionally, the routine maintenance activities south of Monument Road were analyzed in the MND and Subsequent MND prepared by the County (Attachment B). These routine maintenance activities are already occurring as part of the County's maintenance efforts.

Issue 2: Would the project result in a negative aesthetic site or result in substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area?

Proposed activities within Smuggler's Gulch channel north of Monument Road and within the Pilot Channel under the Proposed Project would be similar to those anticipated in the MWMP. The addition of work areas south of Monument Road in the Smuggler's Gulch channel would result in similar dredging, excavation, and grading equipment contemplated in the Final EIR and construction equipment would be visible within the Proposed Project area. Activities in Smuggler's Gulch channel south of Monument Road would be contiguous to the work areas analyzed in the MWMP Final EIR and would also appear similar in nature to what was previously analyzed and would not result in negative aesthetic impacts. Additionally, the routine maintenance activities south of Monument Road were analyzed in the MND and Subsequent MND prepared by the County (Attachment B). These routine maintenance activities are already occurring as part of the County's maintenance efforts.

Issue 3: Would the project result in bulk, scale, materials, or style which would be incompatible with surrounding development?

The Proposed Project involves temporary dredging, excavation, and grading activities within additional areas of Smuggler's Gulch channel south of Monument Road and would not result in permanent development involving structures or other improvements with bulk, scale, materials, or style. The Proposed Project would help maintain safe flows within the Smuggler's Gulch channel and Pilot Channel and would be compatible with surrounding natural areas within the TRVRP. No impact would occur.

Issue 4: Would the project result in the loss of any distinctive or landmark tree(s), or stand of mature trees as identified in a community plan?

The Proposed Project involves temporary dredging, excavation, and grading activities within the Pilot Channel and Smuggler's Gulch channel north of Monument Road, in addition to the portion of the Smuggler's Gulch channel south of Monument Road; however, there are no distinctive trees or landmark trees, and no stands of mature trees would be removed as part of the Proposed Project. Further, there are no trees identified for protection in the Tijuana River Valley Community Plan. No impact would occur.

Issue 5: Would the project result in a substantial change to the existing landform or natural topography or other ground surface relief features through landform alteration?

The Proposed Project would result in minor alterations of sediment and debris that have built up within the Smuggler's Gulch channel and Pilot Channel since they were previously maintained, and no new areas would be graded and/or modified. These minor alterations would occur through minor ground disturbance, removal of excess or built-up sediment, limited excavation to remove built-up materials, and regrading of earthen-bottom facility banks within existing facilities. The alteration of landforms or topography associated with the Proposed Project would occur within low-lying areas and would be overlooked by casual observers and would not represent a substantial visual change when viewed from surrounding areas. Impacts related to landform alteration would be less than significant.

CEQA Guidelines Appendix G, Issue I(b): Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The Proposed Project would not result in new or more severe impacts on trees, rock outcroppings, or historic buildings and is not designated as a state scenic highway. There are no officially designated scenic highways near the Proposed Project and the nearest eligible state scenic highway, I-5, is located 1.5 miles to the northeast. The Proposed Project site is not visible from I-5 due to relatively flat topography and intervening vegetation and structures. The Proposed Project would not substantially damage scenic resources within a state scenic highway.

Summary

The Final EIR for the approved project identified less than significant impacts with mitigation to aesthetics/visual effects and neighborhood character focused on programmatic elements involving habitat creation. The Proposed Project would not result in additional impacts on aesthetics/visual effects and neighborhood character beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to aesthetics/visual effects and neighborhood character, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.2 AGRICULTURAL RESOURCES

The City's MWMP Final EIR summarized that impacts related to agricultural resources would not be significant in Section 7.2 in Chapter 7, Effects Not Found to be Significant. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential agricultural resources impacts addressed the agriculture and forestry resources thresholds in the CEQA Guidelines Appendix G.

Final EIR Conclusion

The Final EIR for the approved project determined that it would not result in significant impacts to agricultural resources because it involves the maintenance of existing drainages within existing storm water facilities. The Final EIR classifies the areas within Smuggler's Gulch channel and the Pilot Channel

as Other Land by the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP). Designated agricultural land near the approved project included a 35-acre parcel designated as Prime Farmland and a 30-acre parcel designated as Farmland of Local Importance, located north of Monument Road and west of the Smuggler's Gulch channel and impacts to nearby agricultural resources were concluded to be less than significant.

Proposed Project Conclusion

Proposed activities within Smuggler's Gulch channel north of Monument Road and within the Pilot Channel under the Proposed Project would be similar to those anticipated in the MWMP. The addition of work areas south of Monument Road in the Smuggler's Gulch channel include Other Land, and do not include agricultural resources. As stated above, the approved project area is in an area classified by the CDC as Other Land where neither farmland nor agricultural resources are present.

Public Resources Code Section 12220(g) defines "forest land" as "land that can support 10 percent native cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." Vegetation, including mature trees, are located along the river channel but are not dispersed outward beyond the river channel itself, which is routinely dredged. The area adjacent to the channel comprises primarily disturbed habitat and non-native vegetation communities (eucalyptus woodland, tamarisk-dominated riparian, and small areas of non-native grassland). Based on this definition, no forest land occurs within or adjacent to the Proposed Project area. Moreover, there is no land zoned as forest land or timberland that exists within the Proposed Project area or within its vicinity.

The Proposed Project does not meet the definition of an agricultural resource and no potentially significant project or cumulative level conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance to a non-agricultural use would occur because of the Proposed Project. The site is not under a Williamson Act contract, and there would be no conflict with existing zoning for agricultural use or Williamson Act contract. The Proposed Project would result in a continuation of similar routine dredging occurring at the site and be within the parameters of the types of maintenance activities envisioned to occur in compliance with the approved project.

Summary

The Final EIR for the approved project identified that there would be no impacts to agricultural resources. The Proposed Project would not result in additional impacts on agricultural resources beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to agricultural resources, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.3 AIR QUALITY AND ODOR

The City's MWMP Final EIR included the following thresholds/issues for air quality and odor in Chapter 5, Environmental Analysis, in Section 5.2, which are consistent with the air quality thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project conflict with or obstruct implementation of the applicable air quality plan?

Issue 2: Would the project expose sensitive receptors to substantial pollutant concentrations?

Issue 3: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Issue 4: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Final EIR Conclusion

The Final EIR for the approved project concluded that air quality and odor impacts would be less than significant with the incorporation of mitigation measures. Specifically, the Final EIR concluded that air quality and odor impacts would be potentially significant regarding construction emissions of NO_X if the four largest of the listed maintenance activities in the MWMP (or an equivalent project) occurred simultaneously (Impact AQ-1 for direct impacts under Issue 2 and AQ-2 for cumulative impacts under Issue 4). No other air quality and odor impacts were identified because the approved project involves the maintenance of existing storm water facilities and does not include operational emissions. Impacts related to substantial alteration of air movement were concluded to be not significant and summarized in Final EIR Section 7.3.

To estimate construction emissions associated with the approved project, the Final EIR included a list of ten representative projects anticipated as part of the implementation of the MWMP at the time the Final EIR was prepared. Representative project 10 identified sediment and vegetation removal work in Smuggler's Gulch channel and the Pilot Channel along 8,300 linear feet in length involving up to 30,000 cubic yards of soil material annually. The Final EIR identified a potentially significant cumulative impact if the four largest representative projects were constructed on the same day. As shown in Final EIR Table 5.2-5, *Representative Maintenance and Repair Activities Summary*, representative projects 1, 5, 6, and 10 comprise the four largest projects in the MWMP and involve a combined 12,000 linear feet of earthen-bottom channel and an estimated 37,200 cubic yards of soil. Construction emissions estimates were determined to result in significant effects related to NO_X emissions (Impact AQ-1 and AQ-2). Mitigation measure MM-AQ-1 was included to require estimating maximum daily construction NO_X emissions for all known projects when concurrent construction activities under the MWMP occur on a single day. If construction daily emissions are estimated to exceed 250 pounds per day (SDAPCD threshold), MM-AQ-1 requires Tier 4 construction equipment to be utilized during construction to reduce impacts to a level below the SDAPCD threshold. This mitigation measure is identified as a screening-level threshold for direct impacts and a threshold indicating a cumulatively considerable contribution to air quality impacts. Also, the Final EIR notes that the MWMP would not regularly include several concurrent projects and would normally represent NO_X emissions far below the SDAPCD screening threshold. The MWMP includes storm water maintenance projects in various locations around

the City and was stated to not represent a localized source of significant emissions. As such, impacts regarding NO_X emissions during concurrent construction of MWMP projects were concluded in the Final EIR to be less than significant after mitigation.

Proposed Project Conclusion

Issue 1: Would the project conflict with or obstruct implementation of the applicable air quality plan?

The Proposed Project is the dredging, excavation, and grading of Smuggler's Gulch channel and the Pilot Channel and involves the addition of the area south of Monument Road (approximately 1,400 linear feet) within Smuggler's Gulch channel and would not involve the development of roads, houses, or other factors that could directly or indirectly induce growth. Therefore, because the Proposed Project would not affect population growth, it would not exceed the assumptions contained in the San Diego Air Pollution Control District's Regional Air Quality Strategy (RAQS), which is the applicable air quality plan for the Proposed Project. Additionally, the Proposed Project does not include stationary operational sources of air pollutants. Therefore, it would not conflict with or obstruct implementation of the RAQS.

Issue 2: Would the project expose sensitive receptors to substantial pollutant concentrations?

The Proposed Project would involve the dredging, excavation, and grading of the Smuggler's Gulch channel north of Monument Road and the Pilot Channel as analyzed in the Final EIR, as well as the portion of the Smuggler's Gulch channel extending 1,400 linear feet south of Monument Road that was not included in the Final EIR. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). Similar to the approved project, the Proposed Project would include hauling of sediment and trash excavated from the channels to and from storage yards to final disposal sites with the use of typical earth moving construction equipment. As stated above, the Final EIR identified a screening-level threshold to evaluate future projects for potential air quality NO_X emissions. The threshold was determined by calculating the emissions associated with the four largest projects in the MWMP, one of which included the work areas associated with the Proposed Project within the Pilot Channel and Smuggler's Gulch channel north of Monument Road.

As discussed above, the details of the four largest projects in the MWMP included a combined 12,000 linear feet and 37,200 cubic yards of soil to represent the most intensive concurrent construction period and to determine potential air quality impacts. The Proposed Project would include the same work areas and include additional the work area south of Monument Road for a combined 9,700 linear feet and up to 30,000 cubic yards of soil annually. While the Proposed Project would not exceed the length or amount of soil movement assumed for the concurrent construction of the 10 representative projects in the Final EIR, it is possible that other MWMP projects within the Tijuana River Valley could occur simultaneously with the Proposed Project. As a result, air quality impacts associated with construction NO_X emissions are concluded to be potentially significant, similar to Final EIR Impact AQ-1 and AQ-2. Mitigation measure MM-AQ-1 would apply to the Proposed Project, which requires Tier 4 construction equipment to be utilized during construction when the threshold is triggered to reduce impacts to a level below the SDAPCD threshold.

Post construction, the Proposed Project would not include activities that generate air emissions. Construction vehicles would be operating on site and conducting earth-moving activities during the

short-term construction period. This type of activity would be similar to the existing activities that occur during routine dredging and maintenance of the Proposed Project area.

Issue 3: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The Proposed Project involves the dredging, excavation, and grading in Smuggler's Gulch channel and the Pilot Channel. Currently, trash is accumulating within the Proposed Project area. While the Proposed Project could produce objectionable odors as a result of trash removal, this would not result in a change from the approved project. Given the location of the Proposed Project, impacts related to odors are not expected to affect a substantial number of people due to the distance to the closest sensitive receptor (a residence approximately 300 feet north) and the lack of other sensitive receptors in the area.

Issue 4: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

As mentioned above under Issue 2, NO_X emissions may be exceeded with implementation of the Proposed Project as revised. The proposed dredging, excavation and grading involving up to 9,700 linear feet and up to 30,000 cubic yards of soil would not exceed the amount of activity estimated in the Final EIR; however, concurrent projects in the area could contribute to a significant impact and the Proposed Project as revised could exceed applicable federal or state ambient air quality standards for NO_X. Impacts would be less than significant with the incorporation of MM-AQ-1.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts with incorporation of mitigation measures to air quality and odor related to NO_X emissions associated with the concurrent construction of several MWMP projects (Impact AQ-1 and AQ-2). The Proposed Project would not result in additional impacts on air quality and odor beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to air quality and odor, either on a project-related or cumulative basis. Similar to the approved project, MM-AQ-1 would apply to the Proposed Project; however, no new mitigation measures are required for the Proposed Project.

3.4 BIOLOGICAL RESOURCES

The City's MWMP Final EIR included the following thresholds/issues for biological resources in Chapter 5, Environmental Analysis, in Section 5.3, which are tailored thresholds that also address each of the biological resources thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project result in a substantial adverse impact, either directly or through habitat modifications or introduction of invasive species, on any species identified as a candidate, sensitive, or special-status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

Issue 2: Would the project result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

Issue 3: Would the project result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?

Issue 4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

Issue 5: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

Issue 6: Would the project introduce land use within an area adjacent to the MHPA that would result in adverse edge effects? Have a substantial adverse effect, either 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 Wildlife or U.S. Fish and Wildlife Service?

Issue 7: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Final EIR Conclusion

The Final EIR for the approved project concluded that biological resources impacts would be significant and unavoidable related to long-term indirect impacts on reduced water quality conditions following implementation of MM-BIO-1a and MM-WQ-1. The Final EIR included an evaluation of biological resources impacts within each watershed in the MWMP. Overall, potential impacts were identified for wetlands (Impact BIO-1a) and Tier I-III uplands (Impact BIO-1b), as well as unintended impacts to sensitive vegetation communities if the limits of work are inadvertently exceeded (Impact BIO-2). Potential impacts to sensitive plant species (MSCP Narrow Endemic Covered Species or non-MSCP Covered Species that are state-listed or federally listed and/or have a California Rare Plant Rank of 1B.1 or 1B.2) were also identified (Impact BIO-3). Direct impacts related to avian breeding (Impact BIO-4), habitat occupied by least Bell's vireo, Ridgway's rail, California least tern, and/or southwestern willow flycatcher (Impact BIO-5), or active raptor nests (Impact BIO-6) were also disclosed, and mitigation measures included to avoid impacts. Significant and unavoidable long-term indirect impacts related to reduced water quality conditions were identified because at the time the Final EIR was prepared, water quality conditions could not be precisely calculated prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables unique to the area.

The Final EIR also evaluated biological resources impacts in the Tijuana River watershed. Potentially significant impacts were identified on vegetation communities, one sensitive plant species (singlewhorl burrobush), and several wildlife species. Sensitive wildlife species included coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, yellow-breasted chat, Ridgway's rail, and yellow warbler. Additionally, raptors and other sensitive wildlife species, which include federally

protected white-tailed kite, MSCP Covered Species northern harrier, California horned lark, monarch, and Cooper's hawk, have a high potential to occur or were observed within or adjacent to MWMP facility segments in the Tijuana River watershed. Mitigation measures MM-BIO-1a, -1b, -2, -4, -5, and -6 were identified to reduce biological resources impacts as a result of maintenance activities in the Tijuana River watershed; however, long-term indirect impacts to sensitive biological resources related to alteration of drainage patterns or reductions in water quality conditions were identified to be partially reduced by MM-WQ-1. However, these offsetting water quality benefit features were characterized as based on the best available data and were not precisely calculated due to an extensive set of both site-specific and independent conditions and variables. Therefore, potential long-term indirect impacts related to potentially reduced water quality conditions were concluded to remain significant and unavoidable following implementation of MM-BIO-1a and MM-WQ-1.

Proposed Project Conclusion

As discussed in Section 2.3, since certification of the Final EIR by the City, the Proposed Project has been revised to add routine maintenance dredging within Smuggler's Gulch channel south of Monument Road. This southern reach of Smuggler's Gulch channel is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). The Proposed Project is consistent with the previously approved limits of dredging and with regulatory permits authorizing this work. Table 2, *Vegetation Community Impacts to Smuggler's Gulch South of Monument Road*, quantifies these impacts, which have been previously mitigated. Impacts are depicted on Figure 2, *Smuggler's Gulch Channel Vegetation – South of Monument Road*.

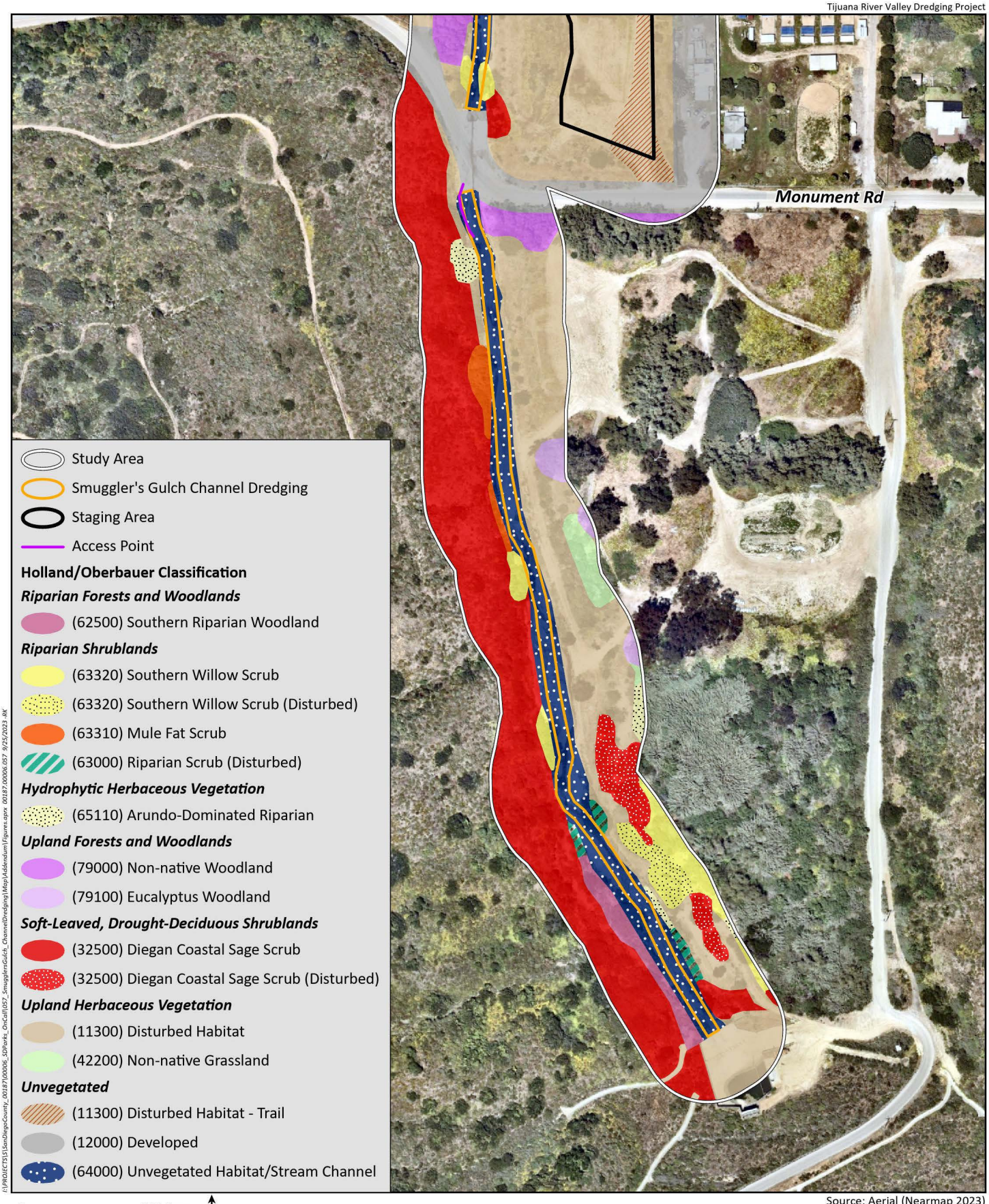
Table 2
VEGETATION COMMUNITY IMPACTS TO SMUGGLER'S GULCH SOUTH OF MONUMENT ROAD

Vegetation Community[1]	Tier[2]	Project Impacts (acreage)
Unvegetated Habitat/Stream Channel (64000)	--[3]	0.63
TOTAL		**0.63**

[1] Vegetation community code is from Oberbauer (2008).
[2] City Subarea Habitats and Tiers per Attachment K of the BMO (County 2010).
[3] Unvegetated Stream Channel is not assigned a Tier.

Issue 1: Would the project result in a substantial adverse impact, either directly or through habitat modifications or introduction of invasive species, on any species identified as a candidate, sensitive, or special-status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

The Proposed Project would involve dredging, excavation, and grading of Smuggler's Gulch channel and the Pilot Channel within areas that are permitted for routine maintenance and have previously been dredged, excavated, and graded. While the Proposed Project would be a continuation of previous efforts to maintain adequate flows and reduce debris within Smuggler's Gulch channel and the Pilot Channel, EP-BIO-1 would be required to verify proof of mitigation for the previously maintained facilities prior to repeat maintenance.



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Source: Aerial (Nearmap 2023)

HELIX Environmental Planning

Smuggler's Gulch Channel Vegetation - South of Monument Road

Figure 2

Routine dredging of Smuggler's Gulch channel and the Pilot Channel has occurred multiple times since creation of the Pilot Channel in 1993, and avoidance and mitigation measures implemented per wildlife agency input and regulatory authorizations. No developed land uses are proposed within the TRVRP by the Proposed Project and avoidance and minimization measures to protect covered species, such as least Bell's vireo, southwestern willow flycatcher, Ridgway's rail, and coastal California gnatcatcher, would be implemented as applicable. Impacts on the California least tern are not anticipated as they have no potential to occur due to no suitable foraging or nesting habitat. The nearest known breeding colony occurs northwest of the Proposed Project area in the Tijuana Slough National Wildlife Refuge and Border Field State Park at the mouth of the Tijuana River at the Pacific Ocean (County 2023). The Proposed Project could result in impacts on sensitive wildlife species depending on the time of year construction occurs. Specifically, if the Proposed Project occurred during the least Bell's vireo and Ridgway rail's breeding season (March 15 through September 15), or southwestern willow flycatcher breeding season (May 1 through September 15), potentially significant impacts would occur requiring MM-BIO-4, MM-BIO-5, and MM-BIO-6. It may be determined that biological resources mitigation measures MM-BIO-4 through MM-BIO-7 may not apply, depending on the timing of construction relative to breeding seasons for sensitive wildlife species.

No critical populations of sensitive plant species occur within the Proposed Project area. No narrow endemic species have been observed in the Proposed Project area and none have high potential to occur. Scattered individuals of singlewhorl burrobush occur in upland areas above the banks of Smuggler's Gulch channel. Potential impacts on singlewhorl burrobush identified in the Final EIR are not anticipated as part of the Proposed Project as this species does not occur within the channel maintenance area. Larger populations of this species are adequately conserved in other portions of the TRVRP and South County MSCP area.

Short-term indirect impacts may also occur, similar to the conclusions in the Final EIR, and biological monitoring measures (EP-BIO-3a, 3b, and 3c), methods for successful removal of invasive species (EP-BIO-4), proper treatment of all woody debris removed from facilities to avoid the spread of shot-hole borer (EP-BIO-6), consistency with the MSCP/MHPA Land Use Adjacency Guidelines, and implementation of WPCP measures (EP-WQ-1), would reduce short-term indirect impacts to sensitive vegetation communities to less than significant.

Long-term indirect impacts to sensitive vegetation communities may include adverse impacts associated with the spread of invasive plant or pest species, alteration of drainage patterns, and reduction in water quality conditions as a result of routine, repeated maintenance and removal of vegetation and sediment. Although implementation of EPs, including methods for successful removal of invasive species (EP-BIO-4), proper treatment of all woody debris removed from facilities to avoid the spread of shot-hole borer (EP-BIO-6), consistency with the MSCP/MHPA Land Use Adjacency Guidelines, and preparation of a WPCP (EP-WQ-1), would reduce those potential impacts to less than significant, the potential for adverse impacts to sensitive vegetation communities due to alteration of drainage patterns and/or reduction in water quality conditions would be potentially significant, consistent with the Final EIR.

Issue 2: Would the project result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The Proposed Project would involve dredging, excavation, and grading of Smuggler's Gulch channel and the Pilot Channel within areas that are permitted for routine maintenance and have previously been dredged, excavated, and graded. The Proposed Project would use existing access roads and staging areas that consist entirely of disturbed uplands. Previously permitted maintenance areas are eligible to submit proof of prior mitigation allocations under EP-BIO-1. No additional impacts on natural communities would occur with the Proposed Project. While not anticipated, if maintenance activities result in impacts to sensitive natural communities outside of the authorized limits of work, they would require implementation of MM-BIO-2.

Issue 3: Would the project result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?

The Proposed Project would not convert wetlands or waters to uplands and no filling of jurisdictional areas would occur. Maintenance of the Proposed Project area with dredging, excavation, and grading activities would not result in substantial adverse impacts on wetlands as the Proposed Project area has been previously dredged several times since 1993 as part of federal and state authorized maintenance activities to address flooding and other public safety concerns, and work would occur within the previously established limits of the existing drainage channels. Initial impacts on wetlands associated with creation of the Smuggler's Gulch channel and Pilot Channel were previously mitigated in the 1990s prior to ground disturbance and included the Tijuana River Emergency Channel Maintenance Wetland Mitigation Project on 11.02 acres and the Tijuana Wetland Enhancement Project on 8.62 acres. Impacts on wetlands beyond what has been previously dredged and mitigated for are not proposed. Additional mitigation is neither required nor proposed.

Issue 4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

The Proposed Project is within the Tijuana Estuary/River Valley Biological Resource Core Area, as identified in the Final MSCP Plan, and is entirely within the City's MHPA. The only facility in the MSCP biological core and linkage areas or MHPA where maintenance would occur for more than 45 days is Tijuana River—Pilot and Smuggler's Facility Group. Maintenance of this facility has the potential to significantly disrupt wildlife usage of the habitat in the area and could reduce wildlife movement functions. However, the Proposed Project has been previously authorized by all required resource agencies, and the adverse effects on wildlife, including federally listed species, have been mitigated. Maintenance of this facility also provides benefits to the wildlife habitat quality of the river valley by removing excess sediment, trash, and debris.

Issue 5: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

The Proposed Project is not a development project and would not build structures within the TRVRP. The Proposed Project is a channel maintenance project within the boundaries of TRVRP that would conduct dredging activities in locations that have been routinely dredged for many years and for which it has been acknowledged that dredging is necessary to reduce flood risks to life and property, help address water quality issues, and remove pollutant-laden sediment and trash. The Proposed Project

would not reduce the size or configuration of the TRVRP, and maintenance activities would follow the alignment of previously conducted dredging within Smuggler's Gulch and Tijuana River Pilot Channel and would not create new access roads or staging areas.

The Proposed Project would not conflict with the umbrella MSCP, City Subarea Plan, or South County Subarea Plan. The Proposed Project is an essential public facility requiring routine dredging of two channels that have been maintained numerous times since 1993 to improve water quality, maintain flow patterns, and protect life and property by reducing flooding of roads and private property. Further, the Pilot Channel was specifically created to direct larger storm flows away from the northern portion of the Tijuana River Valley and to be frequently cleared to reduce flood risk. Consistency with the City's Subarea Plan was also determined by the MWMP Final EIR. The Proposed Project is an essential public facility which meets the County's Biological Mitigation Ordinance exemption criteria, and the maintenance of which is a compatible land use within the City's MHPA. The Proposed Project would adhere to the City's Subarea Plan General Planning Policies and Design Guidelines, Land Use Adjacency Guidelines, Framework Management Plan, and the 2007 Area Specific Management Directives (ASMDs) established for the TRVRP. Water quality, illegal dumping, and flood control are some of the primary concerns identified in the ASMDs for the river valley. Dredging of the Smuggler's Gulch channel and Pilot Channel would support these directives by removing trash and debris and assisting with flood control.

Issue 6: Would the project introduce land use within an area adjacent to the MHPA that would result in adverse edge effects? Have a substantial adverse effect, either 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 Wildlife or U.S. Fish and Wildlife Service?

The Proposed Project is not a development project and would not build roads or structures within the TRVRP or result in a reduction in conserved habitat or an increase in edge effects. The City's permit to "take" Covered Species under the MSCP is based primarily on the concept that 90percent of lands within the MHPA will be conserved. The City's take permit for MSCP Covered Species also includes additional species-specific requirements for avoidance and mitigation for unavoidable impacts. Although encroachment into the MHPA would occur as part of the Proposed Project, the proposed storm water facility maintenance would be considered an Essential Public Project and an allowed use within the MHPA. Therefore, the Proposed Project would not require a boundary adjustment.

The City's MSCP Subarea Plan lists Essential Public Project as conditionally compatible with the biological objectives of the MSCP and allowed within the City's MHPA. Conditions of compatibility include compliance with applicable sections of the MSCP Subarea Plan, including Section 1.4.2 (General Planning Policies and Design Guidelines; in particular the Flood Control portion), Section 1.4.3 (Land Use Adjacency Guidelines; in particular the Drainage portion), and Section 1.5 (Framework Management Plan; in particular the Flood Control portion). Maintenance of the Pilot Channel and reach of Smuggler's Gulch channel north of Monument Road were included in the overall scope of analysis in the MWMP EIR and found to be consistent with these guidelines. Maintenance of the reach of Smuggler's Gulch channel south of Monument Road is also consistent with these guidelines, as the Project would not construct new roads, facilities, or result in new development within or adjacent to the MHPA; would not construct fencing/barriers, add lighting, or introduce invasive non-native plant species; and maintenance/flood control activities would be conducted in accordance with regulatory authorizations. Water quality impacts under the Proposed Project would not be more significant or severe than what was concluded in the Final EIR.

Issue 7: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

As stated above for Issues 5 and 6, the Proposed Project is consistent with the MSCP applicable City and County guidelines protecting biological resources, and impacts to the MHPA, including wetlands, are consistent with the allowed use determination provided in the City of San Diego Biology Guidelines and County's BMO exemption for essential public facilities. The City's Public Tree Protection Policy of 2005 does not apply to trees within storm water facilities because such trees are not part of a landscaped right-of-way or other public setting and not covered under the policy. Impacts would not be significant.

Summary

The Final EIR for the approved project identified that there would be significant and unavoidable impacts with incorporation of mitigation measures to biological resources related to water quality conditions (Impact BIO-8). The Proposed Project would not result in additional impacts on biological resources beyond those identified in the Final EIR. Habitat impacts have been previously mitigated and the Proposed Project would incorporate avoidance and minimization measures consistent with wildlife agency authorizations, regulatory agency permits, and MSCP seasonal restrictions to avoid and minimize impacts to sensitive wildlife that may be present near the work area. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to biological resources, either on a project-related or cumulative basis. EP-BIO-1 through EP-BIO-6 and MM-BIO-1 through MM-BIO-7 from the Final EIR would be required; however, no new mitigation measures are required for the Proposed Project.

3.5 ENERGY

The City's MWMP Final EIR summarized that impacts related to energy would not be significant in Section 7.4 in Chapter 7, Effects Not Found to be Significant. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential impacts addressed the energy thresholds in the CEQA Guidelines Appendix G.

Final EIR Conclusions

The City's MWMP Final EIR for the approved project determined that it would not result in impacts to energy because it involves the maintenance of existing drainages within existing storm water facilities and would represent a small increase in the consumption of electricity, natural gas, and petroleum. Impacts were concluded to be less than significant.

Proposed Project Conclusion

The Proposed Project is the routine dredging, excavation, and grading of Smuggler's Gulch channel and the Pilot Channel that would support the continuation of the ongoing maintenance activities in relation to the influx of sewage, trash, and debris entering the United States from Mexico. Post-project there would be no perceptible difference to the surrounding environment, with the exception that during storm events, localized flooding would be reduced, and a greater amount of sewage, trash, and sedimentation would be captured prior to entering the Pacific Ocean.

As is typical of any construction, the Proposed Project would temporarily consume energy for the operation of construction equipment and vehicles. During construction, standard methods of earthmoving and other associated construction activities are planned. Construction activities would not include methods of construction that would result in inefficient or unnecessary use of energy resources. Post construction, no energy resources are needed to continuously operate the Proposed Project. Periodic maintenance energy resources would be negligible and would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

The installation of the improvements would ultimately decrease maintenance as DPR would not need to respond as frequently to flooding and ponding events that have occurred along Monument Road. Therefore, the Proposed Project would not conflict with state or local plans for renewable energy efficiency. The Proposed Project would employ standard methods of construction and does not propose to create a condition post construction whereby increased energy demand would be created.

Summary

The Final EIR for the approved project identified that there would be no impacts to energy resources. The Proposed Project would not result in additional impacts on energy beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to energy resources, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.6 GEOLOGIC CONDITIONS

The City's MWMP Final EIR summarized that impacts related to geologic conditions would not be significant in Chapter 7, Effects Not Found to be Significant, in Section 7.5. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential impacts addressed the geology and soils thresholds in the CEQA Guidelines Appendix G with the exception of paleontological resources, which were discussed in Final EIR Section 5.10.

Final EIR Conclusions

The Final EIR concluded that the MWMP would not involve the construction of buildings, housing, or other habitable structures, and would, therefore, not expose people or structures to geology or soils impacts. However, the Final EIR disclosed that ground-disturbing activities such as sediment excavation/removal, vegetation management, bank maintenance and repair, temporary stockpiling, sediment and vegetation disposal, and temporary access/loading and staging activities could result in slope instability. Specifically, grading for temporary access roads, stockpiling, or required earthwork for bank reconstruction could potentially cause or contribute to geologic hazards, such as slope instability or adverse settlement. These impacts would be avoided if activities were designed and constructed in accordance with standard geologic and geotechnical practices. The Final EIR included EP-GEO-1 for projects that involve earthen bank repair activities in the MWMP. EP-GEO-1 requires preparation of a geotechnical report to determine if bank stability and necessary stabilization is needed.

Proposed Project Conclusion

Proposed Project activities associated with the routine maintenance of Smuggler's Gulch channel (both north and south of Monument Road) and the Pilot Channel Proposed Project would be similar to those anticipated and analyzed in the MWMP Final EIR, including dredging and removal of sediment, trash and debris, temporary stockpiling, vegetation management, and sediment and vegetation disposal. Similar to the Final EIR, these activities would be designed and constructed in accordance with standard geologic and geotechnical practices. Within the Smuggler's Gulch channel and the Pilot Channel, grading to re-construct the channel bank with compacted soil material may occur as needed and EP-GEO-1 requiring preparation of a geotechnical report would apply to the Proposed Project, similar to the Final EIR.

Summary

The Final EIR for the approved project identified that there would be no significant impacts to geologic conditions with incorporation of EP-GEO-1. The Proposed Project would not result in additional impacts on geologic conditions beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the project, that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to geologic conditions, either on a project-related or cumulative basis. EP-GEO-1 would apply to the Proposed Project; however, no new mitigation measures are required for the Proposed Project.

3.7 GREENHOUSE GAS EMISSIONS

The City's MWMP Final EIR included the following thresholds/issues for greenhouse gas emissions in Chapter 5, Environmental Analysis, in Section 5.4, which are consistent with the GHG emission thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Issue 2: Would the project conflict with the City's Climate Action Plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Final EIR Conclusion

The Final EIR concluded that GHG emissions impacts associated with use of off-road equipment, on-road hauling and vendor trucks, and worker vehicles would be less than significant regarding maintenance activities of the 10 largest representative projects under the MWMP, including project 10 in the Pilot Channel and Smuggler's Gulch channel north of Monument Road. On-site sources of GHG emissions were assumed to include off-road equipment and off-site sources, including hauling and vendor trucks and worker vehicles. Total GHG emissions were estimated to include approximately 5,164 MT of carbon dioxide equivalent (CO_2e) associated with the total emissions of the 10 representative projects evaluated in the Final EIR. A consistency with the City's Climate Action Plan (CAP) was completed and determined to be consistent with the CAP's applicable land use designations and applicable strategies for GHG emissions reductions. The Final EIR analysis for GHG emissions also included implementation

of EP-SW-1 through EP-SW-8 to address waste management and material diversion. No other GHG impacts were identified because the project involves the maintenance of existing storm water facilities and does not include operational emissions.

Proposed Project Conclusion

Issue 1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The Proposed Project would involve the dredging, excavation, and grading of the Smuggler's Gulch channel north of Monument Road and Pilot Channel as analyzed in the Final EIR, as well as the portion of the Smuggler's Gulch channel extending 1,400 linear feet south of Monument Road. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). Similar to the approved project, the Proposed Project would include hauling of sediment and trash excavated from the channels to and from storage yards to final disposal sites with the use of typical earth moving construction equipment. The Final EIR identified ten representative projects to estimate the total GHG emissions associated with MWMP implementation. As discussed above in Air Quality and Odors, the Proposed Project with the addition of Smuggler's Gulch channel south of Monument Road would not exceed the length or amount of soil movement assumed for the concurrent construction of the ten representative projects in the Final EIR. As a result, GHG emissions impacts associated with construction would be less than significant.

Issue 2: Would the project conflict with the City's Climate Action Plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The Proposed Project would involve dredging in Smuggler's Gulch channel north of Monument Road and the Pilot Channel which were analyzed in the Final EIR, in addition to the portion of Smuggler's Gulch channel south of Monument Road, that was not analyzed in the Final EIR. The southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). The actions in the Proposed Project would be similar to those disclosed in the Final EIR and the Proposed Project would implement EP-SW-1 through EP-SW-8. No conflicts would occur with the City's CAP and impacts would remain less than significant.

Summary

The Final EIR for the approved project identified there would be less than significant GHG emissions impacts and that incorporation of EP-SW-1 through SW-8 would be required. The Proposed Project would not result in additional impacts on GHG emissions beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project, that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to GHG emissions, either on a project-related or cumulative basis. EP-SW-1 through SW-8 would apply to the Proposed Project; however, no new mitigation measures are required for the Proposed Project.

3.8 GROWTH INDUCEMENT

The City's MWMP EIR summarized that impacts related to growth inducement would not be significant in Chapter 7, Effects Not Found to be Significant, in Section 7.6. Although addressed in the City's MWMP EIR, significance thresholds for growth inducement are not included in the CEQA Guidelines Appendix G.

Final EIR Conclusion

The City's MWMP Final EIR for the approved project determined that it would not result in impacts to growth inducement because it involves the maintenance of existing drainages within existing storm water facilities and does not include the construction of new housing or propose changes in land use that would increase density/intensity beyond what is planned. The Final EIR also concluded that the MWMP would not include new or expanded infrastructure that could support future development or new facilities that could potentially displace people or housing. No impacts to growth inducement or population and housing were identified.

Proposed Project Conclusion

The Proposed Project is within the TRVRP, which is not designated or zoned for housing, and does not currently support housing. The Proposed Project is the dredging, excavation, and grading in Smuggler's Gulch channel and the Pilot Channel, including the portion of Smuggler's Gulch channel south of Monument Road. Thus, the Proposed Project would not induce population growth and would not displace housing.

Summary

The Final EIR for the approved project identified that there would be no impacts to growth inducement. The Proposed Project would not result in additional impacts on growth inducement beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project, that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to growth inducement, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.9 HEALTH AND SAFETY/HAZARDS

The City's MWMP Final EIR included the following thresholds/issues for health and safety/hazards in Chapter 5, Environmental Analysis, in Section 5.5, which are consistent with the hazards and hazardous materials and wildlife thresholds in the CEQA Guidelines Appendix G:

Issue 1a: Would the project expose people or structures either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Issue 1b: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Issue 1c: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Issue 1d: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Issue 2: Would any component of the project interface or intersect with a site that is included on a hazardous material sites list compiled pursuant to Government Code Section 6596.25 and, as a result, pose a potential hazard to the public or environment?

Issue 3: Result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?

Issue 4: Expose people to toxic substances through reasonably foreseeable conditions, such as pesticides and herbicides, some of which have long-lasting ability, applied to the soil during previous agricultural uses?

Although the Final EIR did not specifically discuss potential impacts related to hazards and the routine transport, use, or disposal of hazardous materials (CEQA Guidelines Appendix G, Section IX(a) as its own issue area, an evaluation of the threshold is included in the Proposed Project Conclusion section below.

Final EIR Conclusion

The Final EIR for the approved project concluded that health and safety/hazards impacts would be less than significant. The Tijuana River, including Smuggler's Gulch channel and the Pilot Channel, were identified as a storm water facility within open space areas designated within a Very High Fire Hazard Severity Zone and have a potential risk of wildfires; however, compliance with the California Fire Code was concluded to avoid potentially significant impacts related to fire safety. Potential for impacts related to hazards emissions were avoided by implementing EP-HAZ-1 and EP-HAZ-2 which requires monitoring and safety plan implementation if work occurs within 200 feet of open/active sites or within 100 feet of closed/inactive sites with known contamination as identified in Final EIR Table 5.5-1. The nearest potentially hazardous materials sites to the approved project included two sites in the Tijuana River watershed, Brown's Fill Disposal Site and Tripp Salvage, neither of which were within 200 feet of the approved project area. Sites with unknown contamination may also be encountered during implementation of the MWMP and EP-HAZ-3 was identified to involve a trained environmental professional to identify, assess, handle, and dispose of encountered hazardous materials during construction. Impacts related to hazards due to proximity to an airport and interference with an emergency response or evacuation plan were concluded to be not significant and summarized in Final EIR Section 7.7.

Proposed Project Conclusion

Issue 1a: Would the project expose people or structures either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Issue 1b: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Issue 1c: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Issue 1d: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Proposed Project is in a Very High Fire Hazard Severity Zone (VHFHSZ) as mapped by California Department of Forestry and Fire Protection (CAL FIRE). In part, areas are designated as VHFSZs due to a combination of steep slopes, difficult terrain, inadequate access, and unmaintained vegetation. The purpose of the maps is to classify lands in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of fire spread and reduce the intensity of uncontrolled fire to minimize loss of life, resources, and property. Accordingly, the CAL FIRE Fire Hazard Severity Zone maps evaluate hazards not risk; according to CAL FIRE a hazard is based on the physical conditions that create a likelihood that an area will burn over a 30- to 50-year period without considering modifications such as fuel reduction efforts.

Proposed work areas associated with the Proposed Project could have potentially flammable materials such as brush, grass, or trees, which could pose a slight risk of wildfires. It is possible for engine-powered equipment and vehicles used during maintenance activities to produce exhaust particles that could ignite fire. In addition, the threat of starting a wildfire may be elevated during dry and windy days, and in locations with abundant fuel sources.

The Proposed Project involves the maintenance of storm water channels to support the ongoing flood safety and water quality protection efforts regarding storm water flow entering the United States from Mexico and would not impair or interfere with the Operational Area Emergency Plan or the Site Evacuation Plan (SEP) because it would not prohibit subsequent plans from being established or prevent the goals and objectives of the existing plan from being carried out. The Proposed Project would improve local flooding conditions that render the area impassable during certain storm events, thus improving emergency access during these events.

The Proposed Project would require the continuation of the ongoing dredging and some vegetation removal would occur to maintain the channel capacity and access. Thus, the Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, due to runoff, post-fire slope instability, or drainage changes. Additionally, the Proposed Project would not involve the construction nor operation of habitable buildings and would not expose people or structures to risk or loss, injury, or death involving wildland fires.

Issue 2: Would any component of the project interface or intersect with a site that is included on a hazardous material sites list compiled pursuant to Government Code Section 6596.25 and, as a result, pose a potential hazard to the public or environment?

A review of environmental databases was conducted in compliance with Government Code 65962.5, which stipulates that the Department of Toxic Substances Control (DTSC), the Department of Health Services (DHS), the State Water Resources Control Board (SWRCB), and any local enforcement agency, as designated by Section 18051, Title 14 of the California Code of Regulations (CCR), identify and update annually a list of sites that have been reported to have certain types of contamination (DTSC 2023, SWRCB 2023). Specifically, the DTSC EnviroStor database and the SWRCB GeoTracker databases were consulted to identify if the Proposed Project area or surrounding nearby properties were of concern in

relation to Government Code 65962.5. A review of the EnviroStor and GeoTracker databases did not identify the project area or nearby properties on any such environmental database.

Issue 3: Result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?

The Proposed Project would involve the routine dredging, excavation, and grading of the earthen-bottom Smuggler's Gulch channel and Pilot Channel as analyzed in the Final EIR, as well as the portion of Smuggler's Gulch channel extending 1,400 linear feet south of Monument Road that was not included in the Final EIR. However, the additional 1,400 linear feet of Smuggler's Gulch channel, similar to the area analyzed in the Final EIR, is not located within a quarter-mile of an existing or proposed school.

Issue 4: Expose people to toxic substances through reasonably foreseeable conditions, such as pesticides and herbicides, some of which have long-lasting ability, applied to the soil during previous agricultural uses?

The Proposed Project would continue to be located adjacent to a 35-acre parcel that is designated as Prime Farmland and a 30-acre parcel designated as Farmland of Local Importance. In the Final EIR, MWMP maintenance activities were identified to have the potential to encounter soils that have been contaminated by previous agricultural use or could expose people or the environment to hazardous conditions and would also apply to the Proposed Project. However, a Hazardous Materials Contingency Plan (HMCP) has been prepared that identifies areas of known hazardous materials concerns; prescribes sampling, if necessary; includes procedures for managing hazardous materials; and discusses health and safety measures (e.g., air monitoring) that would be implemented during Proposed Project maintenance activities in potentially impacted areas per EP-HAZ-2.

CEQA Guidelines Appendix G, Section IX(a): Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

During Proposed Project construction, the use of construction equipment would require fuels, oil, and other hazardous materials. As with most construction, there is the possibility of accidental release of a hazardous substance during typical construction activities. However, the Proposed Project would be required to obtain and adhere to a Construction General Permit that requires the preparation and implementation of a SWPPP that would protect water quality and against hazardous materials and waste incidents.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts to health and safety/hazards impacts. The Proposed Project would not result in additional impacts on health and safety/hazards beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to health and safety/hazards, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.10 HISTORICAL, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES

The City's MWMP Final EIR included the following thresholds/issues for historical, archaeological, and tribal cultural resources in Chapter 5, Environmental Analysis, in Section 5.6, which are consistent with the cultural resources and tribal cultural resources thresholds in the CEQA Guidelines Appendix G:

Issue 1: An alteration, including the adverse physical or aesthetic effects and/or destruction of a prehistoric or historic building (including an architecturally significant building), structure, object, site, or existing religious or sacred use.

Issue 2: The disturbance of any human remains, including those interred outside of formal cemeteries.

Issue 3: 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:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

ii. 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 in 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.

Final EIR Conclusion

The Final EIR for the approved project concluded that historical, archaeological, and tribal cultural resources impacts would be less than significant with the incorporation of mitigation measures. The Final EIR describes that ground-disturbing MWMP activities would largely occur in earthen-bottom channels and basins that have been previously excavated during their construction, and that initial construction activities would have displaced any archaeological resources or native soils that were present. Repeated water flowing and erosion episodes would have displaced any resources from earthen-bottom channels and replaced the surface stratum of the channel with displaced sediment/debris from farther upstream.

MWMP activities that disturb the surface of earthen-bottom channels were concluded unlikely to significantly impact archaeological resources and Final EIR Table 5.6-4 identified that there are no identified maintenance activities in the Final EIR that would impact archaeological resources in Smuggler's Gulch channel or the Pilot Channel. One historical resource was identified in the Pilot Channel in Final EIR Table 5.6-6 (Hollister Street Bridge, P-37-025924); and further review for bank repair of earthen channels in the Pilot Channel would be required to verify that the historic shape and design of the channel would be maintained and that the design of earthen-bottom facilities would conform with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If it is determined that the historic shape and design of the channel cannot be maintained, mitigation measures MM-HR-1

and MM-HR-2 were included to consider avoidance of the resource and potentially recordation and evaluation of the resource.

Lastly, AB 52 consultation was summarized as concluded during the Final EIR preparation process and an agreement was reached between interested parties, including the Agua Caliente Band of Cahuilla Indians, Rincon Band of Luiseño Indians, Viejas Band of Kumeyaay Indians, Jamul Indian Village, and the San Luis Rey Band of Mission Indians.

Proposed Project Conclusion

Issue 1: An alteration, including the adverse physical or aesthetic effects and/or destruction of a prehistoric or historic building (including an architecturally significant building), structure, object, site, or existing religious or sacred use.

The Proposed Project is the routine dredging, excavation, and grading of Smuggler's Gulch channel and the Pilot Channel and involves the addition of approximately 1,400 feet south of Monument Road within Smuggler's Gulch channel. HELIX obtained a records search of the entire TRVRP from the South Coastal Information Center (SCIC), located at San Diego State University, on December 1, 2020; this data was reviewed for the added work areas south of Monument Road in the Smuggler's Gulch channel. The records search results revealed that one cultural resource, P-37-011948, has been documented immediately adjacent to the Proposed Project work area. P-37-011948 was recorded as a series of terrace walls constructed of stacked river cobbles. P-37-011948 was originally documented in 1990; an update in 1992 notes the cobble terraces as still visible despite heavy vegetation cover (Ritz and Davis 1990; Coleman 1992). The cobble walls are situated on a terrace located to the west of Smuggler's Gulch and would not be impacted by the Proposed Project activities.

Pedestrian field surveys within the TRVRP were conducted by HELIX archaeologists and Kumeyaay Native American monitors on various dates throughout 2021; no cultural resources were identified within the added work areas south of Monument Road in the Smuggler's Gulch channel during the field surveys.

As stated in the Final EIR, earthen-bottom channels are not expected to significantly impact archaeological resources and Final EIR Table 5.6-4 does not identify potentially significant archaeological impacts in the Tijuana River watershed, including the Proposed Project area. The Proposed Project may include bank stabilization in the Pilot Channel, which is adjacent to the Hollister Street Bridge (P-37-025924), a historical resource. However, the Proposed Project would be part of maintenance activities to keep the Pilot Channel operating as it has historically and would not alter the dimensions of the Pilot Channel described in Section 2.1 of this Addendum. Incorporation of MM-HR-1 requiring avoidance of historical resources and potentially MM-HR-2 requiring the recording and evaluation of historic properties is not required.

Issue 2: The disturbance of any human remains, including those interred outside of formal cemeteries.

As discussed for Issue 1, above, activities in earthen-bottom channels like Smuggler's Gulch channel and the Pilot Channel are not expected to encounter or disturb human remains due to previous deep excavations to create and routinely maintain the channels. However, as a best management practice during maintenance activities and as similarly required in the Final EIR, if any human remains are inadvertently discovered, California Public Resources Code §5097.98, CEQA Guidelines §15064.5,

California Health & Safety Code §7050.5, and County-mandated procedures would be followed for the treatment and disposition of those remains, as follows:

- A County (DPR) official is contacted.
- Upon identification of human remains, there will be no further excavation or disturbance in the area of the find or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
- If the remains are determined to be of Native American origin, the coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will identify a Most Likely Descendant (MLD), the person or persons it believes to be most likely descended from the deceased Native American.
- The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
- The MLD, as identified by the NAHC, shall be contacted by DPR or their representative in order to determine proper treatment and disposition of the remains. The MLD may make recommendations to the landowner (DPR), or the person responsible for the excavation work, for the treatment of human remains and any associated grave goods as provided in Public Resources Code Section 5097.98

Issue 3: 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:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

ii. 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 in 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.

As discussed for Issue 1, above, earthen-bottom channels are not expected to significantly impact archaeological resources because the Smuggler's Gulch channel and Pilot Channel are already constructed and have been routinely maintained. Earthwork would not occur within previously ungraded areas outside of the established channels. As a result, a cultural resources monitoring and treatment plan (MM-CR-1), cultural resources avoidance measures (MM-CR-2), and construction monitoring (MM-CR-3) would not apply to the Proposed Project.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts with incorporation of mitigation measures to historical, archaeological, and tribal cultural resources impacts. The Proposed Project would not result in additional impacts on historical, archaeological, and tribal cultural resources beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Additionally, the maintenance of Smuggler's Gulch and the Pilot Channel within the Proposed Project is already being conducted regularly by the City and the County. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to historical, archaeological, and tribal cultural resources, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.11 HYDROLOGY

The City's MWMP Final EIR included the following thresholds/issues for hydrology in Chapter 5, Environmental Analysis, in Section 5.7 which are consistent with the hydrology and water quality thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project result in substantial increase in impervious surfaces and associated runoff?

Issue 2: Would the project result in alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

Final EIR Conclusion

The Final EIR for the approved project concluded that hydrology impacts would be less than significant because maintenance of existing storm water facilities under the MWMP would consist primarily of the removal of sediment and would not include substantial topographic changes or the introduction of new structures. Post-maintenance erosion control was identified as EP-HYD-1 and applied to various facility segments in the City; however, no facility segments were identified within the Tijuana River Valley as needing post-maintenance erosion control. The Final EIR states that if additional facilities are identified with greater than recommended permissible velocity due to maintenance, they would follow the criteria outlined in the Final EIR's *Hydrology and Hydraulics Technical Report*. MWMP impacts related to flood, tsunami, or seiche inundation resulting in risk for release of pollutants were concluded to be less than significant in Final EIR Section 7.8 because the MWMP would not involve the containment of pollutants that would be released into the environment.

Proposed Project Conclusion

Issue 1: Would the project result in substantial increase in impervious surfaces and associated runoff?

The Proposed Project would involve the routine dredging, excavation, and grading of the earthen-bottom Smuggler's Gulch channel and Pilot Channel as analyzed in the Final EIR, as well as the portion of Smuggler's Gulch channel extending approximately 1,400 linear feet south of Monument Road that was not included in the Final EIR. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). Construction would not involve the creation of impervious surfaces and associated

runoff and would maintain the existing earthen-bottom facilities. Post-project, localized flooding would be reduced during storm events, and a greater amount of sewage, trash, and sedimentation would be captured prior to entering the Pacific Ocean. The Proposed Project would not result in any increase in impervious surfaces and no new or more severe impacts have been identified as a result of the changes to the approved project.

Issue 2: Would the project result in alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

The Proposed Project, similar to the approved project, would support the continuation of the ongoing maintenance activities in relation to localized flooding and removal of sewage, trash, and sedimentation prior to entering the Pacific Ocean. Because the Proposed Project would disturb over one acre of land, a NPDES General Construction Permit would be required. Compliance with the General Construction Permit would require the preparation of a SWPPP for the Proposed Project and would identify potential pollutants and outline the BMPs that would be implemented during construction activities to prevent those pollutants from entering nearby water bodies. The Proposed Project would also be subject to the existing San Diego Regional Waste Discharge Requirement Program. Through compliance with the General Construction Permit and the Regional Waste Discharge Requirements, the stormwater runoff would be consistent with the watershed standards within the County's Jurisdictional Runoff Management Plan (JRMP) and the BMP Design Manual and would not create cumulatively considerable water quality impacts related to waste discharge.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts on hydrology. The Proposed Project would not result in additional impacts on hydrology beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project, that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to hydrology, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.12 LAND USE

The City's MWMP Final EIR included the following thresholds/issues for land use in Chapter 5, Environmental Analysis, in Section 5.8, which are tailored thresholds that also address each of the land use and planning thresholds from the CEQA Guidelines Appendix G:

Issue 1: Would the project result in a conflict with goals, objectives, and recommendations of the community plan in which it is located?

Issue 2: Would the project require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

Issue 3: Would the project result in a conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional, or state habitat conservation plan?

Final EIR Conclusion

The Final EIR for the approved project concluded that land use impacts would be potentially significant because future implementation would likely require deviations from the City's Environmentally Sensitive Lands (ESL) Regulations to address impacts related to removal of wetland vegetation, creation of compensatory mitigation sites, and/or construction during sensitive bird breeding seasons (Impact LU-1 under Issue 2). Mitigation included incorporating measures from biological resources (i.e., MM-BIO-1a, for compensatory wetlands mitigation and MM-BIO-4 through MM-BIO-7 for avoidance of nesting birds, listed species, raptors, and California gnatcatcher). Programmatic elements of the MWMP were identified to require encroachment into the City's MHPA; however, proposed maintenance activities were summarized as essential public projects and an allowed used within the MHPA, as long as the activity is outside the coastal overlay zone. No other land use impacts were identified because the Proposed Project involves maintenance of City-wide storm water facilities in several communities and would not conflict with the goals and policies of the City's planning documents. Impacts related to whether the Proposed Project would physically divide an established community; be compatible with existing land use plans and policies, including airport land use plans; or result in the need for a deviation or variance were concluded to be not significant and summarized in Final EIR Section 7.9.

Proposed Project Conclusion

Issue 1: Would the project result in a conflict with goals, objectives, and recommendations of the community plan in which it is located?

The Proposed Project involves routine dredging, excavation, and grading in the Smuggler's Gulch channel, north and south of Monument Road, and the Pilot Channel which would be consistent and similar to the activities described in the Final EIR. No community plan conflicts were determined to result from the MWMP, and the addition of the Smuggler's Gulch channel south of Monument Road would not result in new conflicts or impacts as it would similarly support community storm water infrastructure. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B).

Issue 2: Would the project require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

The Proposed Project would be similar to the maintenance activities described in the Final EIR and while it would not result in the removal of wetlands vegetation, construction may occur during the breeding season for sensitive birds that would result in a potentially significant impact (Impact LU-1). As a result, land use impacts associated with construction during the breeding season are concluded to be potentially significant, similar to Final EIR Impact LU-1. As such, mitigation measures MM-BIO-4, MM-BIO-5, MM-BIO-6, and MM-BIO-7 would apply to the Proposed Project, which requires avoidance of sensitive biological resources during the bird breeding season.

Issue 3: Would the project result in a conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional, or state habitat conservation plan?

The Proposed Project would include routine maintenance activities in stormwater facilities and would not involve programmatic elements that may require encroachment into the City's MHPA. The Proposed

Project would involve maintenance activities within the MHPA and would be required to conform to the City's Land Use Adjacency Guidelines.

Summary

The Final EIR for the approved project identified less than significant impacts with the incorporation of mitigation measures. The Proposed Project would not result in additional impacts on land use beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to land use, either on a project-related or cumulative basis. MM-BIO-4 through MM-BIO-7 would apply to the Proposed Project; however, no new mitigation measures are required.

3.13 MINERAL RESOURCES

The City's MWMP Final EIR summarized that impacts related to mineral resources would not be significant in Section 7.10 in Chapter 7, Effects Not Found to be Significant. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential impacts addressed the mineral resources thresholds in the CEQA Guidelines Appendix G.

Final EIR Conclusions

The approved project was determined to have no impact to mineral resources because it involves the maintenance of existing drainage structures and does not include new development which would prevent the recovery of on-site mineral resources. Because the MWMP would only involve existing facilities that have already been built, mineral resource extraction would not likely take place in these areas.

Proposed Project Conclusion

The Proposed Project would involve the routine dredging, excavation, and grading of Smuggler's Gulch channel north of Monument Road and the Pilot Channel as analyzed in the Final EIR, as well as the portion of Smuggler's Gulch channel extending approximately 1,400 linear feet south of Monument Road that was not included in the Final EIR. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). Ongoing maintenance activities in Smuggler's Gulch channel south of Monument Road would be similar to those described in the Final EIR for the areas of Smuggler's Gulch channel north of Monument Road.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts to mineral resources. The Proposed Project would not result in additional impacts on mineral resources beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project, that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the

Final EIR related to mineral resources, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.14 NOISE

The City's MWMP Final EIR included the following thresholds/issues for noise in Chapter 5, Environmental Analysis, in Section 5.9, which are consistent with noise thresholds from the CEQA Guidelines Appendix G:

Issue 1: Would the project result in or create a significant increase in the existing ambient noise level?

Issue 2: Would the project result in the exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with Table K-4?[1]

Issue 3: Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Final EIR Conclusion

The Final EIR for the approved project concluded that noise impacts would be less than significant with the incorporation of mitigation measures. Specifically, the Final EIR concluded that noise impacts would be potentially significant for Issues 1 and 2 if construction activities for a specific project occur within 100 feet of any of the ten representative projects simultaneously, including Smuggler's Gulch channel north of Monument Road and the Pilot Channel (representative project number ten), or if construction noise exceeds the City's Noise Ordinance.

The highest hourly average (L_{EQ} (1-hour)) sound levels associated with proposed maintenance activities were estimated to range from approximately 70 to 79 dBA L_{EQ}, at a distance of 100 feet. On an average 12-hour basis, the maintenance activity noise levels were estimated to range from approximately 69 to 75 dBA L_{EQ}. The Final EIR concluded that the City of San Diego's 12-hour average construction noise standard of 75 dBA L_{EQ} would not be exceeded at a distance of 100 feet for any of the representative projects. For instances in which noise-sensitive receivers are located less than 100 feet from maintenance activities (which was described in the Final EIR for other MWMP projects elsewhere in the City), temporary significant noise impacts were identified and mitigation was included to require noise reduction techniques during construction (MM-NOI-1).

Maintenance activities under the MWMP were assumed to use equipment including excavators, dump trucks, skid steers, backhoes, dozers, pumps, and other similar equipment to transport material to and from the maintenance sites. Equipment anticipated with storm water maintenance, including Smuggler's Gulch channel north of Monument Road and the Pilot Channel, was not assumed to have substantially higher-noise-generation characteristics (such as pile drivers, rock drills, and blasting equipment) thus impacts related to aircraft noise were concluded to be not significant and were summarized in Final EIR Section 7.11.

[1] City of San Diego Noise Land Use Compatibility Chart, California Environmental Quality Act Significance Determination Thresholds, Development Services Department, January 2016.

Proposed Project Conclusion

Issue 1: Would the project result in or create a significant increase in the existing ambient noise level?

The Proposed Project would involve routine dredging, excavation, and grading of Smuggler's Gulch channel and the Pilot Channel within areas that are permitted for ongoing maintenance and have previously been dredged, excavated, and graded. The Proposed Project would be a continuation of previous efforts to maintain adequate flows and reduce debris within Smuggler's Gulch channel north of Monument Road and the Pilot Channel as evaluated in the City's Final EIR, with the addition of Smuggler's Gulch channel south of Monument Road. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). As disclosed in the Final EIR, representative project 10 for storm water maintenance within Smuggler's Gulch channel north of Monument Road and the Pilot Channel would not result in a significant increase in existing ambient noise levels because noise-sensitive receivers are not within 100 feet of the project area. While the Proposed Project area includes an additional 1,400 feet within Smuggler's Gulch channel south of Monument Road, construction equipment would be similar to that evaluated in the Final EIR. There are no identified noise-sensitive receivers within 100 feet of the Proposed Project area including Smuggler's Gulch channel south of Monument Road; thus, the Proposed Project would not result in a significant noise increase in the existing ambient noise level. Final EIR MM-NOI-1 would not apply to the Proposed Project.

Issue 2: Would the project result in the exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with Table K-4?[2]

Table K-4 is primarily a planning tool to ensure long-term compatibility of various land uses. The Proposed Project would not result in any long-term development, operational equipment, or new employees. Therefore, no operational noise would be created, and the proposed project would be compatible with the standards in Table K-4.

Issue 3: Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The Proposed Project would involve similar construction equipment assumed in the Final EIR for representative project 10 in Smuggler's Gulch channel north of Monument Road and the Pilot Channel. As stated in the Final EIR, construction equipment would not involve equipment associated with substantially higher-noise-generation characteristics (such as pile drivers, rock drills, and blasting equipment) and impacts for the Proposed Project would remain less than significant.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts with incorporation of mitigation measures for construction noise within 100 feet of a noise-sensitive receiver or in excess of the City's adopted Noise Ordinance (Impact NOI-1 and NOI-2). The Proposed Project would not result in additional impacts on noise beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of

[2] City of San Diego Noise Land Use Compatibility Chart, California Environmental Quality Act Significance Determination Thresholds, Development Services Department, January 2016.

previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to noise, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.15 PALEONTOLOGICAL RESOURCES

The City's MWMP Final EIR included the following thresholds/issues for paleontological resources in Chapter 5, Environmental Analysis, in Section 5.10, which are consistent with the associated geology and soils thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit, or over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?

Final EIR Conclusions

The Final EIR for the approved project concluded that paleontological resources impacts would be less than significant. A paleontological records search performed by the San Diego Natural History Museum did not identify any known fossil localities within potential MWMP project facilities. No fossil localities underlie any of MWMP facilities and are not anticipated to be impacted by MWMP-related activities within earthen-bottom facilities.

The Final EIR concluded that impacts would be avoided by implementing the requirements of Land Development Code Section 142.0151 and Land Development Manual Appendix P (also included as EP-PAL-1). The Final EIR states that prior to the start of an MWMP activity in an earthen-bottom facility, activities would be reviewed along with Final EIR Table 5.10-3 to determine if additional avoidance or minimization measures should be implemented. Smuggler's Gulch north of Monument Road was determined to have a low paleontological sensitivity and no further evaluation for maintenance activities was required. The Pilot Channel, however, was identified with a low to high paleontological sensitivity and further evaluation was recommended if storm water maintenance activities exceeded the City threshold of 1,000 cubic yards of soil for highly sensitive areas and 2,000 cubic yards for moderately sensitive areas, or 10 feet deep.

Proposed Project Conclusion

Issue 1: Would the project require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit, or over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?

The Proposed Project is located within the Otay Formation, a high paleontological resource sensitivity geologic unit. The Otay Formation is a fluvial sedimentary rock unit and according to the County of San Diego General Plan numerous fossil localities have been discovered in the upper portion of the formation. Well-preserved remains of a diverse assemblage of terrestrial vertebrates were found here. Based on recent discoveries, the Otay Formation is now considered to be the richest source of late Oligocene terrestrial vertebrates in California. This formation is exposed from approximately the latitude of State Route 94 (SR 94) south to the International Border.

The Proposed Project is anticipated to involve up to 30,000 cubic yards of soil export annually in areas with low to high paleontological sensitivity (including highly sensitive areas identified in the Pilot

Channel and Smuggler's Gulch channel, south of Monument Road). While the estimated quantities of soil export would exceed the City's threshold of 1,000 cubic yards (as well as the County's threshold of 2,500 cubic feet), the Proposed Project comprises areas that receive an influx of sediment and debris from Mexico during high storm flows and have been previously excavated. Paleontological resources are not anticipated to be encountered due to the Proposed Project being limited to excavation in areas that have been previously maintained. As such, monitoring for paleontological resources is not necessary. Areas within Smuggler's Gulch north of Monument Road were not identified as sensitive and would also not require monitoring.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts on paleontological resources. The Proposed Project would not result in additional impacts on paleontological resources beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to paleontological resources, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.16 PUBLIC SERVICES AND FACILITIES

The City's MWMP Final EIR summarized that impacts related to public services and facilities would not be significant in Section 7.12 in Chapter 7, Effects Not Found to be Significant. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential public services and facilities impacts addressed the public services thresholds in the CEQA Guidelines Appendix G.

Final EIR Conclusions

The City's MWMP Final EIR for the approved project determined that it would not result in significant impacts to public services and facilities because it involves the maintenance of existing drainages within existing storm water facilities and would necessitate improvements to existing public services or involve the need for new or expanded recreational facilities. Impacts were concluded to be less than significant.

Proposed Project Conclusion

The Proposed Project would involve the routine dredging, excavation, and grading of Smuggler's Gulch channel north of Monument Road and the Pilot Channel, including the addition of a portion of Smuggler's Gulch channel extending approximately 1,400 linear feet south of Monument Road that was not included in the Final EIR. This southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). The addition of the Smuggler's Gulch channel south of Monument Road would not create additional environmental impacts on public services and facilities because it would involve similar maintenance activities as those analyzed for Smuggler's Gulch channel north of Monument Road and the Pilot Channel. The Proposed Project does not include features that would require additional public services and it would not introduce new population to the area, generating an additional demand.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts to public services and facilities. The Proposed Project would not result in additional impacts on public services and facilities beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to public services and facilities, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.17 PUBLIC UTILITIES

The City's MWMP Final EIR summarized that impacts related to public utilities would not be significant in Section 7.13 in Chapter 7, Effects Not Found to be Significant. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential public utilities impacts addressed the utilities and service systems thresholds in the CEQA Guidelines Appendix G.

Final EIR Conclusion

The City's MWMP Final EIR for the approved project determined that it would not result in significant impacts to public utilities because it involves the maintenance of existing drainages within existing storm water facilities and would not result in the need for additional wastewater treatment capacity or need additional water supplies. Impacts were concluded to be less than significant.

Proposed Project Conclusion

The Proposed Project is the routine dredging, excavation, and grading in the existing storm water facilities of Smuggler's Gulch channel north and south of Monument Road and the Pilot Channel, and would not result in the need for additional wastewater treatment capacity or need additional water supplies.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts to public utilities. The Proposed Project would not result in additional impacts on public utilities beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to public utilities, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

3.18 SOLID WASTE

The City's MWMP Final EIR included the following thresholds/issues for solid waste in Chapter 5, Environmental Analysis, in Section 5.11, which are consistent with the associated utilities and service systems thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Issue 2: Comply with federal, state, and local management and reduction statutes and regulations and adopted plans related to solid waste?

Final EIR Conclusion

The Final EIR for the approved project concluded that solid waste impacts would be significant and unavoidable due to the uncertainty complying with the TSW's Waste Diversion Plan, which targets a diversion rate of approximately 50 percent while the City's waste diversion rate was estimated at about 24 percent. This low diversion rate was due to street sweeping spoils and other materials that cannot be diverted from disposal (Issue 2). MWMP impacts on local landfills were concluded to be less than significant as solid waste could be hauled to public landfills including Otay Landfill, Sycamore Landfill, and Miramar Landfill. The Final EIR concluded that there would be no increase in the amount of solid waste that is currently handled and transferred to the Miramar Landfill during existing maintenance of storm water facilities.

Solid waste generation associated with maintenance of storm water facilities in the City was anticipated to include excavated spoil, vegetation, and trash/debris. Excavated spoil was anticipated to be composed of soil materials, but may also contain urban runoff pollutants, such as automobile by-products, as well as pesticides and herbicides associated with landscape maintenance. Vegetation was assumed to consist of groundcover, shrubs, and trees removed from storm water facilities. Large areas of highly invasive giant reed (*Arundo donax*) were also anticipated to be removed in the course of channel maintenance or wetland mitigation. Trash/debris was expected to consist of a variety of discarded items, including shopping carts, car batteries, furniture, and tires. Impacts were concluded as significant and unavoidable to the uncertainty of available suitable reuse sites for excavated material, the potential for material to be contaminated and associated regulatory constraints, and the inability to recycle materials recovered from the project sites associated with the MWMP. While implementation of EP-SW-1, in addition to EP-SW-2 through EP-SW-8 were included to divert waste from a landfill to the maximum extent feasible, impacts remained significant and unavoidable.

Proposed Project Conclusion

Issue 1: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The Proposed Project would involve the routine dredging, excavation, and grading of Smuggler's Gulch channel north of Monument Road (2,900 linear feet) and the Pilot Channel (5,400 linear feet), as analyzed in the Final EIR, as well as the addition of Smuggler's Gulch channel south of Monument Road (1,400 linear feet), for a total of 9,700 linear feet and up to 30,000 cubic yards of sediment to be removed and disposed at a landfill. Both DPR and the City have performed routine maintenance of the

Proposed Project area in accordance with regulatory permits and associated environmental documentation and the continued maintenance would not result in an increase of solid waste that is currently handled and transferred to the Miramar Landfill or other local landfills.

Issue 2: Comply with federal, state, and local management and reduction statutes and regulations and adopted plans related to solid waste?

Dredged sediment material contains a mix of plastics/tires and raw sewage/waste. These materials would be separated after removal from the Proposed Project area and the plastics and tires would be recycled. The remaining waste would be placed in a landfill. The Proposed Project would also implement a Waste Management Plan as part of EP-SW-1 and would also implement EP-SW-2 through EP-SW-8. The Proposed Project would not generate solid waste beyond the amounts currently generated as the Proposed Project involves activities that are already being conducted by DPR and the City. Additional impacts beyond what was concluded in the Final EIR are not expected from the Proposed Project revisions.

Summary

The Final EIR for the approved project identified that there would be significant and unavoidable impacts with incorporation of mitigation measures to solid waste related to non-compliance with solid waste diversion targets. The Proposed Project would not result in additional impacts on solid waste beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to solid waste, either on a project-related or cumulative basis. EP-SW-1 through EP-SW-8 would apply to the Proposed Project; however, no new mitigation measures are required for the Proposed Project.

3.19 WATER QUALITY

The City's MWMP Final EIR included the following thresholds/issues for water quality in Chapter 5, Environmental Analysis, in Section 5.12, which are consistent with the hydrology and water quality thresholds in the CEQA Guidelines Appendix G:

Issue 1: Would the project adhere to the City's Storm Water Standards Manual (provided in City of San Diego 2018a)?

Issue 2: Would the project otherwise substantially degrade water quality?

The Final EIR did not specifically include thresholds for potential impacts to groundwater supplies and recharge because it found that nearly all MWMP facilities are situated such that they contribute little to no recharge via leakage to groundwater. Additionally, MWMP FMPs did not propose work in any areas of standing surface water or designed infiltration and/or spreading basins. It was determined that MWMP activities would not substantially decrease groundwater supplies or interfere with groundwater recharge because the MWMP involves facilities with no significantly established connection to underlying aquifer systems. MWMP activities would not significantly impede or obstruct the implementation of sustainable groundwater management plans for underlying principal aquifers.

Although the Final EIR did not specifically discuss the CEQA Guidelines Appendix G, Issue X(b and e), an evaluation is included in the Proposed Project Conclusion section below.

Final EIR Conclusion

The Final EIR for the approved project concluded that water quality impacts would be significant and unavoidable due to program-level activities involving wetlands impacts. Sediment discharges were considered to be the primary source of potential pollutants contributed by maintenance activities with the potential to impact water quality. Other potential construction-related impacts were identified related to waste management (trash) and spills or leaks from construction equipment and vehicles (oil and grease, hazardous substances). Potential improper handling or application of herbicides for invasive species management could also negatively affect biological resources and aquatic habitats.

Water quality conditions prior to and after maintenance and mitigation could not be precisely calculated due to an extensive set of both site-specific and independent conditions and variables. Mitigation measure MM-BIO-1a (concerning compensatory mitigation for wetlands impacts) and MM-WQ-1 (included to require beneficial water quality activities prior to impacts) were included; however, significant and unavoidable impacts were identified. Short-term water quality impacts not associated with wetlands were concluded to be less than significant with incorporation of MM-WQ-1.

Proposed Project Conclusion

Issue 1: Would the project adhere to the City's Storm Water Standards Manual (provided in City of San Diego 2018a)?

The Proposed Project would involve the routine dredging, excavation, and grading of Smuggler's Gulch channel north of Monument Road and the Pilot Channel as analyzed in the Final EIR, and the additional portion of Smuggler's Gulch channel south of Monument Road (estimated for a total of 9,700 linear feet and up to 30,000 cubic yards of soil) and would include preparation and implementation of a WPCP in compliance with the City's Storm Water Standards Manual to avoid or minimize potential water quality impacts. As the Proposed Project would involve continued maintenance of existing storm water facilities and would not involve wetlands impacts, adherence to the City's Storm Water Standards Manual would result in less than significant impacts.

Issue 2: Would the project otherwise substantially degrade water quality?

The Proposed Project involves actions in established storm water facilities in Smuggler's Gulch channel and the Pilot Channel and does not involve actions in undisturbed watershed areas that would have potential long-term impacts on water quality. Impacts on wetlands and compensatory mitigation would not be required for the Proposed Project.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Similar to the Final EIR, the Proposed Project would not involve the addition of impervious surfaces and would be limited to maintenance of existing storm water facilities. Groundwater recharge in the Proposed Project area would not be impeded.

Summary

The Final EIR for the approved project identified that there would be significant and unavoidable impacts with incorporation of mitigation measures to water quality related to non-precise water quality conditions, site-specific conditions, and other variables. The Proposed Project would not result in additional impacts on water quality beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to water quality, either on a project-related or cumulative basis. EP-WQ-1 would apply to the Proposed Project; however, no new mitigation measures are required for the Proposed Project relative to water quality.

3.20 TRANSPORTATION, CIRCULATION, AND PARKING

The City's MWMP Final EIR summarized that impacts related to transportation, circulation, and parking would not be significant in Section 7.14 in Chapter 7, Effects Not Found to be Significant. Significance thresholds were not included for the environmental analysis in Final EIR Chapter 7; however, the discussion of potential transportation, circulation, and parking impacts addressed most of the transportation thresholds in the CEQA Guidelines Appendix G. The Final EIR did not discuss potential inconsistencies with the CEQA Guidelines Section 15064.3, subdivision (b); however, an evaluation is included in the Proposed Project Conclusion section below.

Final EIR Conclusion

The City's MWMP Final EIR for the approved project determined that it would not result in significant impacts to transportation, circulation, and parking because it would not generate enough daily trips to require a traffic study and the associated trips would be largely on off-road areas. The estimated construction scenario in the Final EIR provided assumptions for maintenance work in the Pilot Channel and Smuggler's Gulch channel north of Monument Road and assumed 12 workers per day for a total of 2,500 total haul truck round trips. Any work requiring encroachment onto public right-of-way would be addressed through the City's Right of Entry permit or an individual permit and would not create significant impacts. Parking was also dismissed due to the limited number of workers (the Final EIR estimated 12 workers per day) and the fact they would generally park in off-road areas not on the street or within parking lots. Impacts were concluded to be less than significant.

Proposed Project Conclusion

The Proposed Project would involve the routine dredging, excavation, and grading of Smuggler's Gulch channel north of Monument Road and the Pilot Channel as analyzed in the Final EIR, as well as the additional portion of Smuggler's Gulch channel extending 1,400 linear feet south of Monument Road that was not included in the Final EIR. The southern reach is currently dredged annually by DPR, in accordance with the County's RGP 53 for Flood Control Maintenance and associated MND and Subsequent MND (Attachment B). The overall amount of soil is not anticipated to increase beyond

30,000 cubic yards with the Proposed Project and overall traffic would be similar to the Final EIR construction scenario assumptions.

Related to consistency with the CEQA Guidelines Section 15064.3(b), which addresses vehicle miles travelled analysis for new development, the County's Transportation Study Guidelines contain screening criteria to determine if a project could be inconsistent with Section 15064.3 (County 2022). Projects are screened out if they do not generate more than 110 average daily trips. The City screens out vehicle miles travelled analysis for projects that do not generate more than 500 daily unadjusted driveway trips when there is no inconsistency with the community plan or zoning (City 2022). The Proposed Project would not generate traffic beyond what is already generated by the County's and City's current maintenance activities, which includes traffic generated during hauling trips to remove sediment and trash from the channels and transport to a landfill. The Proposed Project is a maintenance project and will not involve post-construction traffic. Therefore, as with the approved project, the Proposed Project would not result in permanent changes that would affect transportation, and no new temporary construction related impacts would occur as compared to the approved project. Therefore, the Proposed Project would not result in additional impacts on transportation beyond those identified in the Final EIR.

Summary

The Final EIR for the approved project identified that there would be less than significant impacts to transportation, circulation, and parking. The Proposed Project would not result in additional impacts on transportation, circulation, and parking beyond those identified in the Final EIR. There is no new information, such as new regulations, a change of circumstances, or changes to the approved project that would give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This analysis does not result in greater or more severe impact conclusions than those reached in the Final EIR related to transportation, either on a project-related or cumulative basis. No new mitigation measures are required for the Proposed Project.

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4.0 CONCLUSIONS

The purpose of this Addendum was to address and analyze the environmental effects associated with changes to the approved project that occurred since the certification of the Final EIR. Based on the foregoing analysis, it is concluded that the analysis conducted, and the conclusions reached in the Final EIR certified on June 23, 2020, remain valid. The proposed change to the project would not cause new significant impacts not identified in the Final EIR, and no new mitigation measures would be necessary to reduce said environmental impacts.

Therefore, no further environmental documentation or review beyond this Addendum is required.

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5.0 REFERENCES

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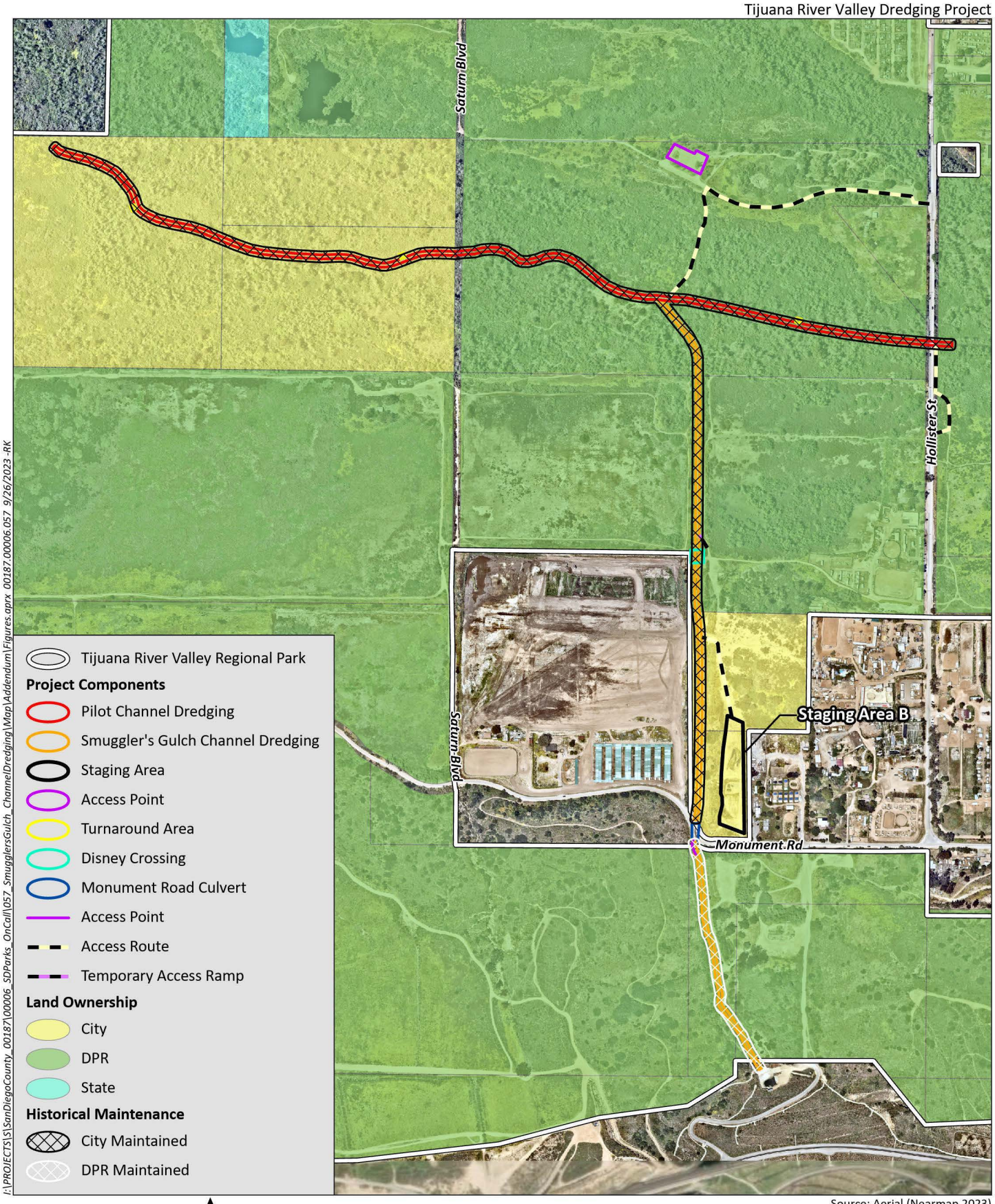
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Attachment A

Tijuana River Valley Historical Maintenance and Ownership Areas



I:\PROJECTS\S\SanDiegoCounty_00187\00006_SDParks_OnCall\057_SmugglersGulch_ChannelDredging\Map\Addendum\Figures.aprx 00187.00006.057 9/26/2023 -RK

0 750 Feet

Source: Aerial (Nearmap 2023)

Tijuana River Valley Historical Maintenance and Ownership Areas

HELIX Environmental Planning

Attachment A

Attachment B

Regional General Permit 53 CEQA Documentation

NEGATIVE DECLARATION

Project Name: Regional General Permit 53 (Blanket Permit)

Project Number(s): UF2367

The Negative Declaration for this project is comprised of this form along with the Environmental Initial Study which includes the following forms (attached):

a. Initial Study Form
b. Environmental Analysis Form and attached Draft Biological Assessment, and Draft RGP 53

1. California Environmental Quality Act Negative Declaration Findings:

Changes in the project plans or mitigation measures agreed to by the Department of Public Works would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence before the decision-making authority that the project as revised may have a significant effect on the environment.

This Negative Declaration reflects the independent judgment of the decision-making authority.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study, Biological Assessment, and Draft RGP 53 for the rationale for requiring the following measures:

A. To ensure that all mitigation is commensurate with expected impacts, the County will mitigate based upon: a) quality of existing habitat, and b) frequency of proposed disturbance.

1) Areas with more than minimal wetland/riparian habitat. Maintenance activities which occur in areas with more than minimal wetland vegetation will require mitigation based on the frequency of the proposed maintenance activities.

a) High Frequency Maintenance Activities. Maintenance activities that occur more frequently than once every 3 years and that are in areas with more than minimal wetland vegetation will require mitigation through creation,

restoration and/or enhancement at a maximum ratio of 3:1 and a minimum ratio of 1:1 as directed by the agencies. The ratio will depend on several factors including: future avoidance conditions agreed to for the long-term maintenance; the amount of vegetation that is allowed to become reestablished (e.g. the reestablishment of freshwater marsh habitat annually for the spring nesting season), onsite avoidance and enhancement measures, the proximity of mitigation sites to the location of the original resource, timing and the quality of habitat. All required wetland mitigation would be on a one-time basis, to mitigate for an unlimited number of recurring maintenance activities. In those areas where the habitat is appropriate, onsite recovery of the vegetation will constitute mitigation (e.g. *Typha* freshwater marsh which will recover in 6 to 12 months).

b) Low Frequency Maintenance Activities. Maintenance activities that occur less frequently, once every 3 years or longer, will be mitigated by a program of giant reed (*Arundo donax*) and/or other exotic species removal. The amount of exotic species removal required will be commensurate with the quantity and quality of the habitat being impacted and will range from 1:1 to 4:1.

2) Areas with minimal or no wetland/riparian habitat. No mitigation will be required for maintenance activities that occur in areas where there is currently little or no wetland vegetation and no significant increases in wetland vegetation would be expected to occur in the absence of maintenance activities.

To determine whether an area falls into category 1 or 2, each site will be evaluated by a qualified biologist based on specific parameters such as: percent cover, diversity of species, width of existing stream and percent of exotic species present. These guidelines would be incorporated into conditions of the permit and would be incorporated into the final mitigation plan.

B. As a possible alternative to off-site wetland mitigation, the County may mitigate onsite by widening existing channels to create or enhance adjacent, existing riparian and wetland habitats. In areas where there is presently no wetland habitat adjacent to the low-flow channel, this measure could allow for the creation of such habitat. By widening existing channels, the need for periodic maintenance could also be reduced, i.e., the time interval between maintenance events would lengthen. Although these channels may still need some maintenance, it is anticipated that some vegetation would always be allowed to remain in them. The portion of the channel that is widened would be considered a mitigation site and impacts to these areas would not be covered under Regional General Permit 53.

C. The County will submit a draft Mitigation Plan for review by the resource agencies. The plan will identify the specific habitat restoration and/or enhancement areas ranging at a replacement ratio of 1:1 to 3:1. The plan will also include: a plant palette, planting design, temporary irrigation (if needed), monitoring and maintenance plans, and methods for exotic plant species removal and monitoring. If natural revegetation is allowed to occur within some of the channels as an option to reduce the mitigation ratio, the Mitigation Plans will include success criteria to be used to evaluate the quality and diversity of the vegetation within existing channels. Revegetation will be done only with native species.

D. All plantings shall have a minimum of 80% survival the first year and 100% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years for the life of the project. If the survival and cover requirements have not been met, the County is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years after planting. All planting shall be done between October 1 and April 30 to take advantage of the winter rainy season.

E. An annual report shall be submitted to the resource agencies by January 1 of each year for 5 years after planting. This report shall include the survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.

F. Listed Wildlife Species

1) Unarmored Three-Spined Stickleback

The presence of flowing water is necessary for this species. Therefore, the maintenance work on sites where the species may potentially occur would be restricted to late summer/early fall when there would be no flow or flows so low that the stickleback would be unable to use the site. Prior to maintenance activities being conducted, a biologist will visit these sites to verify the presence of flowing/standing water and/or the presence of this species. If there is no standing or flowing water, the maintenance activities may proceed without any other restrictions. If there is flowing or standing water at the time that the maintenance activities are scheduled to be conducted, a biological monitor will accompany the maintenance crew and supervise the activities. The monitor will have the authority to cease activities if the unarmored three-spined stickleback is present during any of the maintenance activities and consult with the resource agencies.

2) Arroyo Southwestern Toad

Where possible, maintenance activities on the 75 sites containing potential habitat will be avoided during this species breeding season (i.e. March 15 through May 30). If maintenance activities on sites with potential habitat cannot be avoided during the breeding season, protocol-level surveys by a qualified biologist will be conducted to determine the presence of arroyo toads. Sites that do support the arroyo southwestern toad will require the presence of a biologist onsite during any maintenance activities during the breeding season. Any individuals found within a site to be maintained will be relocated to suitable unimpacted habitat within the same drainage. The USFWS will be notified immediately if any toads are found. Direct loss of habitat will be mitigated, on a one time basis, at an enhancement ratio of 2:1 by exotic species removal.

3) Least Bell's Vireo

Maintenance activities on the 14 sites containing designated critical habitat will be avoided during this species breeding season (i.e. March 15 through August 30). Maintenance activities on the other 49 sites that support potential habitat that has

not been designated as critical habitat will also be avoided during the breeding season unless protocol-level surveys by a qualified biologist have determined that this species is not present on a given site. Direct impacts (removal of haabitat vegetation) to designated critical habitat and any other sites that support this species will be mitigated, on a one time basis, at a replacement ratio of 2:1 by either creation of habitat and/or exotic species removal. Avoidance of activities during the breeding season will eliminate potential indirect impacts from maintenance equipment.

4) Southwestern Willow Flycatcher

Direct impacts (removal of habitat vegetation) to designated critical habitat will be mitigated, on a one time basis and in conjunction with the least Bell's vireo, at a replacement ratio of 2:1 (these sites are the same as those designated as critical habitat of the least Bell's vireo), and mitigation ratios will not be "double counted." Maintenance activities on the 12 sites containing designated critical habitat will be avoided during this species breeding season (i.e. May 1 to September 15) unless protocol-level surveys by a qualified biologist have determined that this species is not present on a given site. Maintenance activities on the other 15 sites that support potential habitat that has not been designated as critical habitat will also be avoided during the breeding season unless protocol-level surveys by a qualified biologist has determined that this species is not present on a given site. Direct impacts to designated critical habitat and any other sites that support this species will be mitigated at a replacement ratio of 2:1 by either creation of habitat and/or exotic species removal. Avoidance of maintenance activities during the breeding season will eliminate potential indirect impacts from maintenance equipment.

5) Coastal California Gnatcatcher

Direct impacts to this species and its habitat will be mitigated by restoration of disturbed areas or placement of existing high quality habitat into permanent open space at a ratio of 2:1. The total mitigation requirement may be up to 2,750 square feet. Indirect impacts to the gnatcatcher from noise generated by the maintenance equipment would be mitigated by the avoidance of these maintenance activities during the gnatcatcher's breeding season from February 15 to September 30, unless protocol-level surveys by a qualified biologist have determined that the species is not present on a given site.

6) Stephens' Kangaroo Rat

Protocol level trapping surveys may be conducted at sites which have appropriate habitat in the area to be maintained and are located in close proximity to known Stephens' kangaroo rat populations to determine the status of the species on those sites. If the species is detected during the surveys, the DPW will notify the USFWS, and if impacts can not be avoided, will discuss possible measures to reduce impacts to acceptable levels. If surveys indicate the species is not present at a site, no further mitigation will be implemented at that site.

G. Proposed Special Conditions

The U.S. Army Corps of Engineers is proposing that all actions conducted under Regional General Permit 53 be subject to the following special conditions.

1. Notification:

a) Timing: The project proponent, the County of San Diego Department of Public Works (DPW), must notify the District Engineer as early as possible and shall not begin any activity:

1) Until notified by the District Engineer that the activity may proceed under the RGP with any special conditions imposed by the District or Division engineer. It is expected that there will be a quick turn-around/authorization by the Corps as this RGP is meant to avoid flooding hazards.

2) The applicant may notify the Corps by November first of each year with a complete list of proposed maintenance activities for the upcoming rainy season.

3) In the event emergency authorization is required, the project must be authorized either under a different RGP that addresses those situations or by implementing emergency procedures at 33 CFR Part 325.2(e)(4). A separate application may be required.

b) Contents of Notification: The notification shall be in writing and include the following information:

1) Location of the proposed project including latitude and longitude or UTM coordinates;

2) Brief description of the work to be performed;

3) Type of structure that will be maintained, e.g., box culvert, etc;

4) Total area that will be impacted, e.g. 0.02 acre of unvegetated waters of the U.S. and 0.03 acre of southern willow scrub. The County shall document/catalog impacts at each stream with before and after photographs to determine actual impact area. The photographs shall include the areas immediately up and downstream of the impact area;

5) Description of adjacent habitats likely to be affected.

c) Form of Notification: the standard permit application form (Form ECG 4345) may be used for each site, or a series of sites, as the notification, and must include all of the information required in (b)(1)-(5) of General Condition 1. A form may also be used that will be prepared by the Corps in consultation with the DPW, that will contain all relevant information. (For emergency authorization see #3 under the Notification Section).

d) District Engineer's Decision: In reviewing the notification for the proposed activity, the District Engineer will determine whether the activity falls within the guidelines of RGP 53 and if it will result in minimal adverse environmental effects. Activities that exceed the criteria authorized by this RGP will need to be reviewed separately for potential authorization under other general permits or an individual permit.

2. Clearing of vegetation around culverts and bridge structures may impact no more than the area specified for the specific site identification number. In all areas, trees with a DBH of 2" or greater will be avoided to the maximum extent practicable. To avoid impacts to nesting birds from March 15 to August 15, the County will minimize removal of

native vegetation within drainages following a survey of the site indicating no nesting birds are present. However, non-native plants such as castor bean (*Ricinus communis*), giant reed (*Arundo donax*), salt cedar (*Tamarix* spp.), eucalyptus (*Eucalyptus* spp.), tree tobacco (Nicotiana glauca), pepper tree (*Schinus* spp.), palm, and pampas grass (*Cortaderia selloana*) can be removed at any time of the year provided no nesting birds occur or could possibly be impacted. If the non-native vegetation is to be removed between March 15 and August 15, the County will have a qualified biologist survey the area for nesting birds and flag nest locations so they can be avoided, minimizing impacts to nesting birds.

3. Any work authorized and conducted under Regional General Permit 53 will be the minimum necessary to alleviate blockage in the immediate vicinity of the culvert, bridge structure, or drainage channel. The County will not disturb vegetation on the stream banks for the maintenance work, except for access of equipment and personnel to the area. These impacts shall be reduced to the greatest extent possible.

4. Erosion and Siltation controls: Where possible and appropriate erosion and siltation controls will be used to minimize transport of excessive sediment downstream when work in a flowing stream is unavoidable.

5. Equipment: Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance. Staging/storage areas for equipment and materials shall be located outside of the stream. Access to the work site shall be via existing roads and access ramps. Where possible, work will be conducted from existing roadways.

6. Regional and Case-by Case Conditions: The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the District Engineer or by the state in its Section 401 water quality certification.

7. Water Quality Certification: An individual Section 401 water quality certification must be obtained or waived unless general Section 401 certifications are issued or waived for this Regional General Permit in the project area (see CFR 330.4(c)). Water containing mud, silt or other pollutants from aggregate washing or other activities shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

8. Coastal Zone Management: An individual state coastal zone management consistency concurrence must be obtained or waived (see Section 330.4(d)) where the project may affect the Coastal Zone unless general concurrences are issued or waived for this regional general permit.

9. Endangered Species: The County shall abide by all of the reasonable and prudent measures and terms and conditions of the Biological Opinion for RGP 53.

10. Historic Properties: Impacts to historic properties listed, proposed for listing, or potentially eligible for listing on the National Register of Historic Places will be avoided to the maximum extent practicable. If such resources are inadvertently impacted as a result of actions authorized under this Regional General Permit, the County shall provide a full report of the action and the impacts incurred by the resource to the Corps within 30 days after completion of the action.

11. Water Supply Intakes: No discharge of dredged or fill material will occur in the proximity of a public water supply intake except where the discharge is for the repair of the public water supply intake structures or adjacent bank stabilization.

12. Suitable Material: No discharge of dredged or fill material may consist of unsuitable material (e.g. trash, debris, car bodies, asphalt, etc.,) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act). The County shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the County to enforce compliance.

13. Any excavated material shall be disposed of at a suitable upland site. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil, or petroleum products or other organic or earthen material from any construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State or where it will cover aquatic or riparian vegetation. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake. The County may remove all human generated debris, such as lawn and farm cuttings, garbage and trash. The County shall remove washed out culverts, and other construction materials, that the County places within, or where they may enter, the stream.

14. Spawning Areas: Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

15. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters). Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.

16. Adverse Effects From Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

17. Waterfowl Breeding Areas: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

18. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation and revegetated with appropriate native riparian or wetland vegetation common to the area. If a stream's low flow channel, bed or banks/lake bed or banks have been altered, these shall be returned as nearly as possible to their original configuration and width, without creating future erosion problems.

19. As appropriate, the County will remove noxious, invasive exotic plant species from areas immediately upstream, downstream, and adjacent to the area of project impacts. Some species to be removed include: giant reed (*Arundo donax*), salt cedar (*Tamarix* spp.), Russian thistle (*Salsola tragus*), star thistle (*Centaurea solstitialis*), artichoke thistle (*Cynara cardunculus*), thistle (*Cirsium* spp.), pampas grass (*Cortaderia selloana*), fountain

grass (*Pennisetum setaceum*) and cocklebur (*Xanthium strumarium*). Removal of these plants will minimize the recruitment of exotic species within the maintenance activity area. The Corps will consider the removal of exotic plants as mitigation for certain maintenance activities. Any exotic species removed will be disposed of at an approved disposal site. CDFG recommends the immediate application of a herbicide approved for use in an aquatic environment, such as "Rodeo", to stumps of the exotic species.

20. The following are terms, conditions,and mitigations based on a programmatic Biological Opinion prepared for the arroyo southwestern toad (*Bufo microscaphus californicus*) by the U.S. Fish and Wildlife Service. Most are appropriate for other sensitive species as well.

a) Employees shall strictly limit their activities and vehicles to the proposed project area(s), staging areas, and routes of travel. The maintenance area(s) shall be the minimal area necessary to ensure adequate flow through each facility.

b) The County shall educate their employees on the sensitivity of riparian habitat and species. Each employee should be able to distinguish between native and exotic vegetation.

c) The County shall develop an Operation and Maintenance Manual (OMM) that will clearly describe each location, the work to be performed, and the frequency of maintenance. It should also include a mitigation and monitoring plan.

    1. The mitigation and monitoring plan shall be submitted for approval by December 15, 1998.

    2. The OMM shall be developed in phases. Phase 1 shall include all those sites (approximately 400) that will be cleared for the 1997-1998 rainy season. Phase 2 shall include the remainder of the facilities to be maintained in the County. Phase 1 shall be submitted for approval by August 15, 1998. Phase 2 shall be submitted by December 15, 1998.

d) The County shall ensure that it's employees fill out the Maintenance Report Form for each site that is maintained. A summary report of the maintenance activities and the effects of those activities on wetland resources should be submitted to the wildlife agencies by June 1 of each year.

e) The County shall ensure that all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated upland areas. These designated upland areas shall be located in such a manner as to prevent any runoff from entering Waters of the United States. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

f) When appropriate, based on the potential for the presence of the arroyo southwestern toad, surveys will be conducted by a qualified biologist, within proximity of the facility to be maintained. The Service's survey protocol for the arroyo toad will be followed.

g) The County will submit the results of the surveys to the Service for review. Additional avoidance and minimization measures may need to be developed based on the new information provided by the additional surveys.

h) A qualified biologist will survey each of the maintenance sites for arroyo toads prior to any work occurring. In addition, a biologist will accompany the crews during the maintenance of the sites that have been identified as having the potential to support arroyo toads. Any toads found within a site to be maintained will be relocated to suitable habitat within the same drainage. The Service will be notified immediately if any toads are found.

21. The Operator shall obtain the required state and federal threatened and endangered species permits for any threatened or endangered species that could be impacted by the proposed work.

3. Critical Project Design Elements That Must Become Conditions of Approval: Because the project is to provide maintenance of existing drainage structures there are no specific or critical design elements. However the mitigation measures to be included in the RGP 53 and the Endangered Species Act Section 7 Biological Assessment/Biological Opinion, and those outlined above are integral elements of the project and therefore become Conditions of Approval. Their implementation must be assured to avoid potentially significant environmental effects.

This Negative Declaration was adopted and above California Environmental Quality Act finding made by the County of San Diego Board of Supervisors on
(Decision-Making Authority)

_____.
(Date/Item #)

STEVEN THUNBERG, Director
San Diego County Department of Public Works

: :

INITIAL STUDY FORM

1. Project Number(s)/Environmental Log Number/Name: **UF2367/Regional General Permit (RGP) 53 (Blanket Permit)**

2. Description of Project: **The project is to allow the County of San Diego Department of Public Works to conduct maintenance activities at culverts, natural bottom drainage channels, and natural bottom flood control channels at various locations in the unincorporated area. The work may involve removal of vegetation, debris, and sediment (silt, sand, gravel, etc.) to prevent flooding and erosion of adjacent roadways or properties. Vegetation at some locations may be cut and/or trimmed to increase water flow rates while minimizing the short-term temporary impacts to the habitat. A blanket permit has been requested from the U.S. Army Corps of Engineers because these activities could affect natural and/or modified stream courses under the jurisdiction of the Army Corps.**

3. Project Applicant Name and Address: **San Diego County Department of Public Works**
5555 Overland Avenue
San Diego, CA 92123-1295

4. Project Location: **Throughout the County of San Diego.**

Thomas Brothers Coordinates: Page Grid **Not Applicable**

5. Environmental Setting: **The project could occur in any of the vegetation/habitat types present in the County. The most common setting is expected to be riparian vegetation including freshwater marsh, southwestern willow scrub and woodland, mulefat scrub, and sycamore and/or oak riparian woodland. Many of the areas to be impacted currently support either degraded wetlands or lack vegetation altogether. Some areas, however, still support high quality riparian and wetland habitat.**

6. General Plan Designation **Not Applicable**
Community Plan:
Land Use Designation:
Density:

7. Zoning **Not Applicable**
Use Regulation:
Density:
Special Area Regulation:

8. Environmental resources either significantly affected or significantly affected but avoidable as detailed on the following attached "Environmental Analysis Form". **Biological resources, specifically riparian wetland vegetation, least Bell's vireo, southwestern willow flycatcher, and the arroyo southwestern toad.**

9. Lead Agency Name and Address:

County of San Diego, Department of Public Works, Environmental Services Unit
5471 Kearny Villa Road, Suite 300, MS 0385
San Diego, California 92123

10. Lead Agency Contact and Phone Number: **Walter Odening, (619) 874-4049**

11. Public agencies, other than the County, whose approval is necessary to implement the proposed project: **U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. EPA, California Department of Fish and Game, California Regional Water Quality Board.**

12. State agencies (not included in #11) that have jurisdiction by law over natural resources affected by the project: **None**

13. Participants in the preparation of this Initial Study: **Walter Odening, County of San Diego; John Messina, KEA Environmental Inc.; Paula Jacks, KEA Environmental Inc.**

14. Initial Study Determination:
On the basis of this Initial Study, the Department of Public Works recommends that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the attached Environmental Analysis Form have been added to the project. A mitigated NEGATIVE DECLARATION will be prepared.

Walter R. Odening, PhD., Environmental Analyst
County of San Diego, Department of Public Works
Environmental Services Unit

Date: May 28,1998

ENVIRONMENTAL ANALYSIS FORM

DATE: May 28,1998

PROJECT NAME: Regional General Permit (RGP) 53 (Blanket Permit)

PROJECT NUMBER (S): UF2367

EXPLANATION OF ANSWERS:

The following questions are answered either "Yes", "Yes, Unless Mitigated", "No", or "Not Applicable".

A "Yes" answer indicates that County staff has recommended that there is substantial evidence that the project has a potentially significant environmental effect and the effect is not clearly avoidable with mitigation measures. Any "Yes" entry in the following form indicates that County staff recommends the preparation of an Environmental Impact Report (EIR) for the project.

A "Yes, Unless Mitigated" answer indicates that County staff has recommended that the incorporation of mitigation measures agreed to by the applicant has clearly reduced a potentially significant adverse environmental effect to a less than significant adverse environmental effect.

A "No" answer indicates that County staff has recommended that, while the project has an adverse effect on the resource, there is no substantial evidence that the effect is potentially significant.

A "Not Applicable" answer indicates that County staff has recommended that the proposed project clearly has no adverse effect on the environmental resource.

I. LAND USE AND PLANNING

1. Would the proposal potentially be in conflict with General Plan designation or zoning? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect General Plan designations or zoning.**

2. Would the proposal potentially be in conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect with agency plans or policies.**

3. Does the proposal have the potential to be incompatible with existing land uses or character of the community? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect existing land uses or community character.**

4. Would the proposal have a potentially significant adverse impact on agricultural resources or operation? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect agricultural resources or operations.

5. Would the proposal have the potential to significantly disrupt or divide the physical arrangement of an established community? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect the physical arrangement of any established community.

6. Would the proposal use non-renewable resources in a wasteful and inefficient manner? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect non-renewable resources.

II. POPULATION AND HOUSING

1. Would the proposal potentially induce substantial growth in an area either directly or indirectly? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect potential growth in the area of the actions.

2. Would the proposal displace a potentially significant amount of existing housing, especially affordable housing? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect the amount of housing available.

III. GEOLOGIC ISSUES

1. Would the proposal have the potential to significantly increase the exposure of people to hazards related to fault rupture (Alquist-Priolo Zone), seismic ground shaking, seismic ground failure (liquefaction), subsidence of land (from groundwater extraction), or landslides? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect the potential for people to be exposed to seismic related hazards.

2. Would the proposal result in potentially significant increased erosion? Not Applicable, because the project is to provide maintenance of existing drainage structures it would not result in increased erosion.

3. Would the proposal result in potentially significant unstable soil conditions from excavation, grading, or fill? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect the stability of existing soil conditions

4. Does the proposal have soil characteristics that have the potential to substantially increase grading quantities? Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect existing soil conditions or grading requirements.

5. Would the proposal result in a potentially significant adverse effect to unique geologic features? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect any unique geologic features.**

6. Would the proposal result in potentially significant loss of availability of a known significant mineral resource that would be of future value to the region? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect any known mineral resources.**

IV. WATER RESOURCES

1. Would the proposal create a potentially significant adverse environmental impact to drainage patterns or the rate and amount of surface runoff? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would maintain existing drainage patterns and capability to accommodate design levels of surface runoff.**

2. Would the proposal result in a potentially significant increase in local imported water supply demand? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect water supplies.**

3. Would the proposal have a potentially significant adverse impact on surface water quality? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect existing characteristics of the surface water quality.**

4. If the proposal is groundwater dependent, plans to utilize groundwater for non-potable purposes, or will obtain water from a groundwater dependent water district, does the project have a potentially significant adverse impact on groundwater quantity? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect ground water conditions.**

5. Would the project have a potentially significant adverse impact on groundwater quality? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not affect groundwater quality.**

V. AIR QUALITY

1. Would the proposal have the potential to significantly contribute to the violation of any air quality standard or significantly contribute to an existing or projected air quality violation? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect air quality.**

2. Would the proposal have the potential to significantly increase the exposure of sensitive receptors to any excessive levels of air pollutants? **Not Applicable, because the project is to provide maintenance of existing drainage**

structures and would not be affected by, nor would it affect air quality and the potential for release of air pollutants.

3. Would the proposal potentially result in the emission of objectionable odors at a significant intensity over a significant area? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not produce any objectionable odors.**

VI. TRANSPORTATION/CIRCULATION

1. Would the proposal result in a potential increase in traffic congestion that is significant in relation to existing traffic loads and street capacities? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it adversely affect traffic.**

2. Would the proposal result in potentially significant adverse traffic safety impacts related to development of, or increased exposure to, identified traffic safety issues (e.g., sharp curves, limited sight distance, or dangerous intersections) or incompatible uses (e.g., farm equipment, heavy truck use)? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it adversely affect traffic safety.**

3. Would the proposal potentially result in inadequate emergency access? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect emergency access.**

4. Would the proposal potentially result in insufficient parking capacity on-site or off-site? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect parking capacity.**

5. Would the proposal result in a potentially significant adverse increase in hazards or barriers for pedestrians or bicyclists? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not increase hazards or barriers for pedestrians or bicyclists.**

VII. BIOLOGICAL RESOURCES

1. Would the proposal result in potentially significant adverse impacts to an endangered, threatened, or rare plant or animal species or their habitats? **Yes, unless mitigated**

2. Would the proposal result in potentially significant adverse impacts to wetland habitat? **Yes, unless mitigated**

3. Would the proposal result in potentially significant adverse impacts to wildlife dispersal or migration corridors? **Not Applicable**

Brief Explanation of Biological Resources Answers (as necessary):

VII –1. The actions taken under RGP 53 have the potential to adversely impact three species on the Federal and State endangered species lists, the least Bell's vireo, southwestern willow flycatcher, and the arroyo southwestern toad. However implementation of appropriate mitigation measures will reduce the potential for impacts to these species to less than significant levels. Mitigation measures include: 1) minimizing removal of southwestern willow scrub/woodland and mulefat scrub riparian habitat, 2) avoiding removal of vegetation in designated critical habitat and by use of mitigation bank credit for habitat losses at a 1:1 to 3:1 ratio where appropriate, 3) avoiding construction activities in vireo and flycatcher habitat during the breeding season (March 15 through August 30, and May 1 through September 15 respectively). If project activities cannot be avoided during the arroyo southwestern toad breeding season, protocol surveys will be conducted to identify the presence of the species. If the toad is present, construction activities will not be allowed until a monitor is present to assist in relocation of individuals to appropriate habitat within the same drainage. Other mitigations may be required within the Biological Opinion provided by the USFWS as part of the Endangered Species Act Section 7 consultation process, and as part of the RGP 53 process.

VII –2. The actions taken under RGP 53 have the potential to adversely affect wetland habitats. However implementation of appropriate mitigation measures will reduce the potential for impacts to this habitat to less than significant levels. Mitigation measures include: 1) minimizing removal of southwestern willow scrub/woodland and mulefat scrub riparian habitat, 2) avoiding removal of vegetation in designated critical habitats, 3) use of on site mitigation or use of mitigation bank credit for habitat losses at a 1:1 to 2:1 ratio where appropriate. Mitigation for vegetation impacts my also include use of selective mowing and trimming techniques, clearing of one side of a channel only, or clearing alternating sides of a channel as forms of onsite mitigation.

VIII. HAZARDS

1. Would the proposal present a significant risk of accidental explosion or release of hazardous substances? Not Applicable, because the project is to provide maintenance of existing drainage structures it would not present a risk of explosion or release of hazardous substances.

2. Would the proposal have the potential to significantly interfere with an emergency response plan or emergency evacuation plan? Not Applicable, because the project is to provide maintenance of existing drainage structures it would not affect any emergency response or evacuation plans.

3. Would the proposal have the potential to significantly increase the fire hazard in areas with flammable vegetation? Not Applicable, because the project is to provide maintenance of existing drainage it would not increase the fire hazard characteristics of any project site.

4. Would the proposal expose people or property to flooding? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would reduce the potential for exposure of people and property to flooding.**

5. Would the proposal expose people to any other demonstrable potentially significant health or safety hazard not listed above? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not expose people to any potentially significant health or safety hazards.**

IX. NOISE

1. Would the proposal expose people to potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance)? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not expose people to increased noise levels.**

2. Would the proposal generate potentially significant adverse noise levels (i.e., in excess of the County General Plan or Noise Ordinance)? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not generate potentially significant adverse noise levels.**

X. PUBLIC SERVICES

Would the proposal create potentially significant adverse effects on, or result in the need for new or significantly altered services or facilities including a significantly increased maintenance burden on fire or police protection, schools, parks, or other public services or facilities? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it adversely affect public services or facilities**

XI. UTILITIES AND SERVICES

Would the proposal result in a need for potentially significant new systems or supplies, or substantial alterations to the following utilities:

Power or natural gas;
Communication systems;
Water treatment or distribution facilities;
Sewer or septic tanks;
Storm water drainage;
Solid waste disposal;
Water supplies?

Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect any of the utilities outllined above.

XII. AESTHETICS

1. Would the proposal result in a demonstrable potentially significant adverse effect on a scenic vista or scenic highway? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not adversely affect any scenic vistas or highways.**

5. Would the proposal result in a demonstrable potentially significant adverse visual impact that results from landform modification, development on steep slopes, and/or excessive grading (cut/fill slopes)? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not result in adverse visual impact due to landform modification.**

6. Would the project have any other demonstrable potentially significant negative aesthetic effect not included above? **Not Applicable, because the project is to provide maintenance of existing drainage structures no negative aesthetic impact would occur.**

4. Would the project produce excessive light or glare? **Not Applicable, because the project is to provide maintenance of existing drainage structures no excessive light and glare would be produced.**

XIII. CULTURAL AND PALEONTOLOGICAL RESOURCES

1. Would the proposal grade or disturb geologic formations that may contain potentially significant paleontological resources? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect any previously undisturbed geological formations.**

2. Would the proposal grade, disturb, or threaten a potentially significant archaeological, historical, or cultural artifact, object, structure, or site which:

   a. Contains information needed to answer important scientific research questions;

   b. Has particular quality or uniqueness (such as being the oldest of its type or the best available example of its type);

   c. Is directly associated with a scientifically recognized important prehistoric or historic event or person;

   d. Is listed in, or determined to be eligible to be listed in, the California Register of Historical Resources, National Register of Historic Places, or a National Historic Landmark; or

   e. Is a marked or ethnohistorically documented religious or sacred shrine, landmark, human burial, rock art display, geoglyph, or other important cultural site?

Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect any cultural resources.

XIV. OTHER IMPACTS NOT DETAILED ABOVE

Not Applicable

XV. MANDATORY FINDINGS OF SIGNIFICANCE

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Not Applicable, because the project is to provide maintenance of existing drainage structures, and the mitigation measures included in the U.S. Fish and Wildlife Biological Opinion in compliance with the Endangered Species Act, the Federal EA, RGP53, and in this CEQA document will reduce the potential impacts on vegetation, fish, and wildlife to less than significant levels.**

2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? **Not Applicable, because the project is to provide maintenance of existing drainage structures and the mitigation measures to be implemented will reduce the impacts to less than significant on a short term as well as over the long-term.**

3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) **Not Applicable, because the project is to provide maintenance of existing drainage structures and the mitigation measures to be implemented will reduce direct, indirect, and cumulative impacts to less than a significant level.**

4. Does the project have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly? **Not Applicable, because the project is to provide maintenance of existing drainage structures primarily as a safety consideration. Therefore it will not have an adverse impact on human beings.**

XVI. EARLIER ANALYSIS

Earlier California Environmental Quality Act (CEQA) analyses are used where one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration.

1. Earlier analyses used. **Not Applicable No earlier documentation was available that covered the scope of the proposed action nor the broad project area of San Diego County.**

2. Impacts adequately addressed in earlier CEQA documents. The following effects from the above checklist that are within the scope of, and were analyzed in, an earlier CEQA document. None - Not Applicable

3. Mitigation measures. None - Not Applicable No mitigation measures were taken specifically from a past CEQA document, however general conceptual mitigations based on past experience of the environmental team and were used to develop project specific mitigation measures. These are listed in the Required Mitigation Measures section of the Negative Declaration.

XVII. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

No specific references were used in the preparation of the of the initial Study Checklist.

ATTACHMENT A

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SUBSEQUENT NEGATIVE DECLARATION

Project Name: Regional General Permit 53 (RGP 53) (Blanket Permit) Phase II

Project Number(s): UF2367

The Negative Declaration for this project is comprised of this form along with the Environmental Initial Study / Environmental Analysis Form (attached). The following documents may be obtained by contacting Steve Helm at County of San Diego, Department of Public Works, 5471 Kearny Villa Rd. #300, San Diego, CA 92123-1295 or by phone at (858) 874-4042:

a. U.S. Fish and Wildlife Service (USFWS) Biological Opinion (No. 1-6-98-F-37), U.S. Army Corps of Engineers (USACE) RGP 53 (Permit No. 97-20226-DZ), California Department of Fish and Game (CDFG) California Incidental Take Permit (No. 2081-1998-46-5), CDFG Streambed Maintenance Memorandum of Understanding (MOU) 5-238-95, and Regional Water Quality Control Board (RWQCB) Section 401 Certification Waiver for RGP 53.

1. California Environmental Quality Act Negative Declaration Findings:

The project plans as outlined in the existing RGP 53 and the attached Initial Study Form, the mitigation measures outlined in the USFWS Biological Opinion for Phase I, and mitigation measures for Phase II agreed to by the County of San Diego Department of Public Works (DPW) would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. There is no substantial evidence before the decision-making authority that the project as amended through implementation of Phase II and with the continued implementation of the agreed upon mitigation would have a significant effect on the environment.

This Negative Declaration reflects the independent judgment of the decision-making authority.

2. Required Mitigation Measures:

Refer to the Environmental Initial Study (attached), USFWS Biological Opinion, USACE RGP 53, CDFG California Incidental Take Permit, and CDFG MOU for the rationale for requiring the following measures:

A. To ensure that all mitigation is commensurate with expected impacts, the County will mitigate based upon: a) quality of existing habitat, and b) frequency of proposed disturbance.

1) Areas with more than minimal wetland/riparian habitat. Maintenance activities which occur in areas with more than minimal wetland vegetation will require mitigation based on the frequency of the proposed maintenance activities.

a) High Frequency Maintenance Activities. Maintenance activities that occur more frequently than once every 3 years and that are in areas with more than minimal wetland vegetation will require mitigation through creation, restoration, and/or enhancement at a maximum ratio of 3:1 and a minimum ratio of 1:1 as directed by the regulatory/resource agencies. The ratio will depend on several factors including: future avoidance conditions agreed to for the long-term maintenance; the amount of vegetation that is allowed to become reestablished (e.g. the reestablishment of freshwater marsh habitat annually for the spring nesting season); onsite avoidance and enhancement measures; the proximity of mitigation sites to the location of the original resource; timing; and the quality of habitat. All required wetland mitigation would be performed on a one-time basis to mitigate for an unlimited number of recurring maintenance activities. In those areas where the habitat is appropriate, onsite recovery of the vegetation will constitute mitigation (e.g. *Typha* freshwater marsh which will recover in 6 to 12 months).

b) Low Frequency Maintenance Activities. Maintenance activities that occur less frequently, once every 3 years or longer, will be mitigated by a program of giant reed (*Arundo donax*) and/or other exotic species removal. The amount of exotic species removal required will be commensurate with the quantity and quality of the habitat being impacted and will range from 1:1 to 4:1.

2) Areas with minimal or no wetland/riparian habitat. No mitigation will be required for maintenance activities that occur in areas where there is currently little or no wetland vegetation and no significant increases in wetland vegetation would be expected to occur in the absence of maintenance activities.

To determine whether an area falls into category 1 or 2, each site will be evaluated by a qualified biologist based on specific parameters such as: percent cover, diversity of species, width of existing stream, and percent of exotic species present. These guidelines would be incorporated into conditions of the permit and would be incorporated into the final mitigation plan.

B. As a possible alternative to off-site wetland mitigation, the County may mitigate onsite by widening existing channels to create or enhance adjacent, existing riparian and wetland habitats. In areas where there is presently no wetland habitat adjacent to the low-flow channel, this measure could allow for the creation of such habitat. By widening existing channels, the need for periodic maintenance could also be reduced, i.e., the time interval between maintenance events would lengthen. Although these channels may still need some maintenance, it is anticipated that some vegetation would always be allowed to remain in them. The portion of the channel that is widened would be considered a mitigation site and impacts to these areas would not be covered under RGP 53.

C. The County has submitted a draft Mitigation Plan for review by the resource agencies. Mitigation will occur at the Sweetwater River Off-site Mitigation Area. The plan identifies the specific habitat restoration and/or enhancement areas. Currently

identified mitigation acreage for Phase II is approximately three acres. Additional sites and mitigation acreage may be identified in the future as part of the ongoing inventory of culverts and channels. The plan includes: a plant palette, planting design, temporary irrigation, monitoring and maintenance plans, and methods for exotic plant species removal and monitoring. If natural revegetation is allowed to occur within some of the channels as an option to reduce the mitigation ratio, the final Mitigation Plan will incorporate success criteria to be used to evaluate the quality and diversity of the vegetation within existing channels. Revegetation will be done only with native species.

All plantings shall have a minimum of 100% survival the first year and 80% survival in years 2-5 and/or shall attain 75% cover after 3 years and 90% cover after 5 years for the life of the project. If the survival and cover requirements have not been met, the County is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years after planting. All planting shall be done between October 1 and April 30 to take advantage of the winter rainy season.

An annual report shall be submitted to the resource agencies by January 1 of each year for 5 years after planting. This report shall include the survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.

D. Listed Wildlife Species

1) Unarmored Three-Spined Stickleback

None of the currently identified Phase II facilities have had habitat identified for this species. The presence of flowing water is necessary for this species. Therefore, the maintenance work on sites where the species may potentially occur would be restricted to late summer/early fall when there would be no flow or flows so low that the stickleback would be unable to use the site. Prior to maintenance activities being conducted, a biologist will visit these sites to verify the presence of flowing/standing water and/or the presence of this species. If there is no standing or flowing water, the maintenance activities may proceed without any other restrictions. If there is flowing or standing water at the time that the maintenance activities are scheduled to be conducted, a biological monitor will accompany the maintenance crew and supervise the activities. The monitor will have the authority to cease activities if the unarmored three-spined stickleback is present during any of the maintenance activities and consult with the resource agencies.

2) Arroyo Southwestern Toad

Where possible, maintenance activities on the 15 Phase II sites containing potential habitat will be avoided during this species breeding season (i.e. March 15 through May 30). If maintenance activities on sites with potential habitat cannot be avoided during the breeding season, protocol-level surveys by a qualified biologist will be conducted to determine the presence of arroyo southwestern toads. Sites that do support the arroyo southwestern toad will require the presence of a biologist onsite during any maintenance activities during the breeding season. Any

individuals found within a site to be maintained will be relocated to suitable unimpacted habitat within the same drainage. The USFWS will be notified immediately if any toads are found.

3) Least Bell's Vireo

Maintenance activities on the 2 Phase II sites containing designated critical habitat will be avoided during this species breeding season (i.e. March 15 through September 15). Maintenance activities on the other 15 Phase II sites that support potential habitat that has not been designated as critical habitat will also be avoided during the breeding season unless protocol-level surveys by a qualified biologist have determined that this species is not present on a given site. Direct impacts (removal of habitat vegetation) to designated critical habitat and any other sites that support this species will be mitigated, on a one time basis, at a replacement ratio of 3:1 by either creation of habitat and/or exotic species removal. Avoidance of activities during the breeding season will eliminate potential indirect impacts from maintenance equipment.

4) Southwestern Willow Flycatcher

Direct impacts (removal of habitat vegetation) to designated critical habitat will be mitigated, on a one time basis and in conjunction with the least Bell's vireo, at a replacement ratio of 3:1 (these sites are the same as those designated as critical habitat of the least Bell's vireo), and mitigation ratios will not be "double counted." No Phase II maintenance activities will be conducted on sites containing designated critical habitat. Maintenance activities on 9 Phase II sites that support potential habitat that has not been designated as critical habitat will be avoided during the breeding season (i.e. May 1 to August 30) unless protocol-level surveys by a qualified biologist have determined that this species is not present on a given site. Direct impacts to designated critical habitat and any other sites that support this species will be mitigated at a replacement ratio of 3:1 by either creation of habitat and/or exotic species removal. Avoidance of maintenance activities during the breeding season will eliminate potential indirect impacts from maintenance equipment.

5) Coastal California Gnatcatcher

Direct impacts to this species and its habitat will be mitigated by restoration of disturbed areas or placement of existing high quality habitat into permanent open space at a ratio of 2:1. The total Phase II mitigation requirement may be up to 1220 square feet. Indirect impacts to the gnatcatcher from noise generated by the maintenance equipment would be mitigated by the avoidance of these maintenance activities during the gnatcatcher's breeding season from February 15 to September 30, unless protocol-level surveys by a qualified biologist have determined that the species is not present on a given site.

6) Stephens' Kangaroo Rat

None of the currently identified Phase II facilities have had habitat identified for this species. Protocol-level trapping surveys may be conducted at sites which have appropriate habitat in the area to be maintained and are located in close proximity to known Stephens' kangaroo rat populations to determine the status of the species

on those sites. If the species is detected during the surveys, the County will notify the USFWS, and if impacts can not be avoided, will discuss possible measures to reduce impacts to acceptable levels. If surveys indicate the species is not present at a site, no further mitigation will be implemented at that site.

E. Proposed Special Conditions

The U.S. Army Corps of Engineers is proposing that all actions conducted under RGP 53 be subject to the following special conditions.

1. Notification:

a) Timing: The project proponent, the County of San Diego DPW, must notify the District Engineer as early as possible and shall not begin any activity:

1) Until notified by the District Engineer that the activity may proceed under the RGP with any special conditions imposed by the District or Division Engineer. It is expected that there will be a quick turn-around/authorization by the Corps as this RGP is meant to avoid flooding hazards.

2) The applicant may notify the Corps by November first of each year with a complete list of proposed maintenance activities for the upcoming rainy season.

3) In the event emergency authorization is required, the project must be authorized either under a different RGP that addresses those situations or by implementing emergency procedures at 33 CFR Part 325.2(e)(4). A separate application may be required.

b) Contents of Notification: The notification shall be in writing and include the following information:

1) Site Location Description;

2) Brief description of the work to be performed;

3) Type of structure that will be maintained, e.g., box culvert, etc;

4) Total area that will be impacted, e.g. 0.02 acre of unvegetated waters of the U.S. and 0.03 acre of southern willow scrub. The County shall document/catalog impacts at each stream with before and after photographs to determine actual impact area. The photographs shall include the areas immediately up and downstream of the impact area;

5) Description of adjacent habitats likely to be affected.

c) Form of Notification: the standard permit application form (Form ECG 4345) may be used for each site, or a series of sites, as the notification, and must include all of the information required in (b)(1)-(5) of General Condition 1. A form may also be used that will be prepared by the Corps in consultation with the County, that will contain all relevant information. (For emergency authorization see #3 under the Notification Section).

d) District Engineer's Decision: In reviewing the notification for the proposed activity, the District Engineer will determine whether the activity falls within the guidelines of RGP 53 and if it will result in minimal adverse environmental effects. Activities that exceed the criteria authorized by this RGP will need to be reviewed separately for potential authorization under other general permits or an individual permit.

2. Clearing of vegetation around culverts and bridge structures may impact no more than the area specified for the specific site identification number. In all areas, trees with a diameter at breast height (DBH) of 2 inches or greater will be avoided to the maximum extent practicable. To avoid impacts to nesting birds from March 15 to August 15, the County will minimize removal of native vegetation within drainages following a survey of the site indicating no nesting birds are present. However, non-native plants such as castor bean (*Ricinus communis*), giant reed (*Arundo donax*), salt cedar (*Tamarix* spp.), eucalyptus (*Eucalyptus* spp.), tree tobacco (*Nicotiana glauca*), pepper tree (*Schinus* spp.), palm, and pampas grass (*Cortaderia selloana*) can be removed at any time of the year provided no nesting birds occur or could possibly be impacted. If the non-native vegetation is to be removed between March 15 and August 15, the County will have a qualified biologist survey the area for nesting birds and flag nest locations so they can be avoided, minimizing impacts to nesting birds.

3. Any work authorized and conducted under RGP 53 will be the minimum necessary to alleviate blockage in the immediate vicinity of the culvert, bridge structure, or drainage channel. The County will not disturb vegetation on the stream banks for the maintenance work, except for access of equipment and personnel to the area. These impacts shall be reduced to the greatest extent possible.

4. Erosion and Siltation controls: Where possible and appropriate erosion and siltation controls will be used to minimize transport of excessive sediment downstream when work in a flowing stream is unavoidable.

5. Equipment: Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance. Staging/storage areas for equipment and materials shall be located outside of the stream. Access to the work site shall be via existing roads and access ramps. Where possible, work will be conducted from existing roadways.

6. Regional and Case-by-Case Conditions: The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the District Engineer or by the state in its Section 401 water quality certification.

7. Water Quality Certification: An individual Section 401 water quality certification waiver has been obtained for RGP 53. Water containing mud, silt, or other pollutants from aggregate washing or other activities shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

8. Coastal Zone Management: An individual state coastal zone management consistency concurrence must be obtained or waived (see Section 330.4(d)) where the project may affect the Coastal Zone unless general concurrences are issued or waived for this regional general permit.

9. Endangered Species: The County shall abide by all of the reasonable and prudent measures and terms and conditions of the Biological Opinion (1-6-98-f-37) for RGP 53.

10. Historic Properties: Impacts to historic properties listed, proposed for listing, or potentially eligible for listing on the National Register of Historic Places will be avoided to the maximum extent practicable. If such resources are inadvertently impacted as a result of actions authorized under this RGP, the County shall provide a full report

of the action and the impacts incurred by the resource to the Corps within 30 days after completion of the action.

11. Water Supply Intakes: No discharge of dredged or fill material will occur in the proximity of a public water supply intake except where the discharge is for the repair of the public water supply intake structures or adjacent bank stabilization.

12. Suitable Material: No discharge of dredged or fill material may consist of unsuitable material (e.g. trash, debris, car bodies, asphalt, etc.,) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act). The County shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws and it shall be the responsibility of the County to enforce compliance.

13. Any excavated material shall be disposed of at a suitable upland site. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil, or petroleum products or other organic or earthen material from any construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State or where it will cover aquatic or riparian vegetation. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake. The County may remove all human generated debris, such as lawn and farm cuttings, garbage, and trash. The County shall remove washed out culverts, and other construction materials, that the County places within, or where they may enter, the stream.

14. Spawning Areas: Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

15. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters). Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.

16. Adverse Effects From Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

17. Waterfowl Breeding Areas: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

18. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation and revegetated with appropriate native riparian or wetland vegetation common to the area. If a stream's low flow channel, bed or banks/lake bed or banks have been altered, these shall be returned as nearly as possible to their original configuration and width, without creating future erosion problems.

19. As appropriate, the County will remove noxious, invasive exotic plant species from areas immediately upstream, downstream, and adjacent to the area of project impacts. Some species to be removed include: giant reed (*Arundo donax*), salt cedar (*Tamarix* spp.),

Russian thistle (*Salsola tragus*), star thistle (*Centaurea solstitialis*), artichoke thistle (*Cynara cardunculus*), thistle (*Cirsium* spp.), pampas grass (*Cortaderia selloana*), fountain grass (*Pennisetum setaceum*) and cocklebur (*Xanthium strumarium*). Removal of these plants will minimize the recruitment of exotic species within the maintenance activity area. The Corps will consider the removal of exotic plants as mitigation for certain maintenance activities. Any exotic species removed will be disposed of at an approved disposal site. The California Department of Fish and Game (CDFG) recommends the immediate application of a herbicide approved for use in an aquatic environment, such as "Rodeo", to stumps of the exotic species.

20. The following are terms, conditions, and mitigations based on a programmatic Biological Opinion prepared for the arroyo southwestern toad (*Bufo microscaphus californicus*) and on the Biological Opinion for RGP 53 by the USFWS. Most are appropriate for other sensitive species as well.

a) Employees shall strictly limit their activities and vehicles to the proposed project area(s), staging areas, and routes of travel. The maintenance area(s) shall be the minimal area necessary to ensure adequate flow through each facility.

b) The County shall educate their employees on the sensitivity of riparian habitat and species. Each employee should be able to distinguish between native and exotic vegetation.

c) In compliance with the USFWS Biological Opinion for RGP 53, the County has developed an Operation and Maintenance Manual (OMM) that lists and describes each location, the work to be performed, and the frequency of maintenance. It also includes a mitigation and monitoring plan.

    1. The mitigation and monitoring plan was submitted to the resource agencies for approval on August 12, 1999.

    2. The OMM shall be developed in phases. Phase 1 shall include all those sites (approximately 420) that were identified for scheduled maintenance in 1997-1998 and included in RGP 53. Phase 2 shall include the remainder of the facilities to be maintained in the County. Phase 1 was submitted for approval by August 15, 1998. Phase 2 shall be submitted by December 15, 1999. Any additional sites identified in the future, as part of the ongoing inventory of culverts and channels, will be included in the OMM and subject to all requirements of RGP 53.

d) The County shall ensure that its employees fill out the Maintenance Report Form for each site that is maintained. A summary report of the maintenance activities and the effects of those activities on wetland resources should be submitted to the regulatory and resource agencies by June 1 of each year.

e) The County shall ensure that all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated upland areas. These designated upland areas shall be located in such a manner as to prevent any runoff from entering Waters of the United States. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

f) When appropriate, based on the potential for the presence of the arroyo southwestern toad, surveys will be conducted by a qualified biologist, within proximity of the facility to be maintained. The USFWS survey protocol for the arroyo southwestern toad will be followed.

g) The County will submit the results of the surveys to the USFWS for review. Additional avoidance and minimization measures may need to be developed based on the new information provided by the additional surveys.

h) A qualified biologist will survey each of the maintenance sites for arroyo southwestern toads prior to any work occurring. In addition, a biologist will accompany the crews during the maintenance of the sites that have been identified as having the potential to support arroyo southwestern toads. Any toads found within a site to be maintained will be relocated to suitable habitat within the same drainage. The USFWS will be notified immediately if any toads are found.

21. The Operator shall obtain the required state and federal threatened and endangered species permits for any threatened or endangered species that could be impacted by the proposed work.

3. Critical Project Design Elements That Must Become Conditions of Approval: Because the project is to provide maintenance of existing drainage structures there are no specific or critical design elements. However the mitigation measures included in the RGP 53 and the Endangered Species Act Section 7 Biological Opinion, and those outlined above are integral elements of the project and therefore become Conditions of Approval. Their implementation must be assured to avoid potentially significant environmental effects.

This Negative Declaration was adopted and above California Environmental Quality Act finding made by the County of San Diego Board of Supervisors on
(Decision-Making Authority)

_____.
(Date/Item #)

JOHN SNYDER, Acting Director
San Diego County Department of Public Works

INITIAL STUDY FORM

1. Project Number(s)/Environmental Log Number/Name: UF2367/Regional General Permit (RGP) 53 (Blanket Permit) Phase II

2. Description of Project: The project is Phase II of an overall maintenance program. This project is to allow the County of San Diego Department of Public Works to conduct maintenance activities at Phase II culverts, natural bottom drainage channels, and natural bottom flood control channels at various locations in the unincorporated area. The work may involve removal of vegetation, debris, and sediment (silt, sand, gravel, etc.) to prevent flooding and erosion of adjacent roadways or properties. Vegetation at some locations may be cut and/or trimmed to increase water flow rates while minimizing the short-term temporary impacts to the habitat. A blanket permit, RGP 53, allowing these activities has been received from the U.S. Army Corps of Engineers (USACE) because such activities could affect natural and/or modified stream courses under the jurisdiction of the Army Corps. Mitigation measures required by the USACE RGP 53, The U. S. Fish and Wildlife Service (USFWS) Biological Opinion, the California Department of Fish and Game (CDFG) California Incidental Take Permit, and the CDFG Streambed Maintenance Memorandum of Understanding (MOU) have been included as part of the Phase II Maintenance project. Additional sites may be identified in the future as part of the ongoing inventory of culverts and channels under county jurisdiction. These sites will be added to the list of culverts and channels included under RGP 53, and are subject to the RGP requirements.

3. Project Applicant Name and Address: San Diego County Department of Public Works
5555 Overland Avenue
San Diego, CA 92123-1295

4. Project Location: Throughout the County of San Diego.

Thomas Brothers Coordinates: Page Grid Not Applicable

5. Environmental Setting: The project could occur in any of the vegetation/habitat types present in the County. The most common setting is expected to be riparian vegetation including freshwater marsh, southwestern willow scrub and woodland, mulefat scrub, and sycamore and/or oak riparian woodland. Many of the areas to be impacted currently support either degraded wetlands or lack vegetation altogether. Some areas, however, still support high quality riparian and wetland habitat.

6. General Plan Designation Not Applicable
Community Plan:

Land Use Designation:
Density:

7. Zoning Not Applicable
Use Regulation:
Density:
Special Area Regulation:

8. Environmental resources either significantly affected or significantly affected but avoidable as detailed on the following attached "Environmental Analysis Form". Biological resources, specifically riparian wetland vegetation, and the least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, and arroyo southwestern toad.

9. Lead Agency Name and Address:

County of San Diego, Department of Public Works, Environmental Services Unit
5471 Kearny Villa Road, Suite 300, MS 0385
San Diego, California 92123

10. Lead Agency Contact and Phone Number: Steve Helm, (858) 874-4042

11. Public agencies, other than the County, whose approval is necessary to implement the proposed project: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. EPA, California Department of Fish and Game, California Regional Water Quality Board.

12. State agencies (not included in #11) that have jurisdiction by law over natural resources affected by the project: None

13. Participants in the preparation of this Initial Study: Steve Helm, County of San Diego; Walter Odening, Dean Ryan Consultants & Designers Inc.; John Messina, KEA Environmental Inc.; Paula Jacks, KEA Environmental Inc.; Ray Hrenko, KEA Environmental Inc.

14. Initial Study Determination:
On the basis of this Initial Study, the Department of Public Works recommends that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the Environmental Analysis Form (attached), RGP 53 (Permit No. 97-20226-DZ), USFWS (July 22, 1998) Biological Opinion (1-6-98-F-37), California Incidental Take Permit (No.2081-1998-46-5) and Streambed Maintenance Memorandum of Understanding

(MOU) 5-238-95 have been added to the project. A mitigated NEGATIVE DECLARATION will be prepared.

Steve Helm, Environmental Analyst
County of San Diego, Department of Public Works
Environmental Services Unit

Date: September 10,1999

ENVIRONMENTAL ANALYSIS FORM

DATE: **September 10, 1999**

PROJECT NAME: **Regional General Permit (RGP) 53 (Blanket Permit) Phase II**

PROJECT NUMBER (S): **UF2367**

EXPLANATION OF ANSWERS:

The following questions are answered either "Yes", "Yes, Unless Mitigated", "No", or "Not Applicable".

A "Yes" answer indicates that County staff has recommended that there is substantial evidence that the project has a potentially significant environmental effect and the effect is not clearly avoidable with mitigation measures. Any "Yes" entry in the following form indicates that County staff recommends the preparation of an Environmental Impact Report (EIR) for the project.

A "Yes, Unless Mitigated" answer indicates that County staff has recommended that the incorporation of mitigation measures agreed to by the applicant has clearly reduced a potentially significant adverse environmental effect to a less than significant adverse environmental effect.

A "No" answer indicates that County staff has recommended that, while the project has an adverse effect on the resource, there is no substantial evidence that the effect is potentially significant.

A "Not Applicable" answer indicates that County staff has recommended that the proposed project clearly has no adverse effect on the environmental resource.

I. LAND USE AND PLANNING

1. Would the proposal potentially be in conflict with General Plan designation or zoning? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, General Plan designations or zoning.**

2. Would the proposal potentially be in conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, agency plans or policies.**

3. Does the proposal have the potential to be incompatible with existing land uses or character of the community? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, existing land uses or community character.**

4. Would the proposal have a potentially significant adverse impact on agricultural resources or operation? **Not applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, agricultural resources or operations.**

5. Would the proposal have the potential to significantly disrupt or divide the physical arrangement of an established community? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, the physical arrangement of any established community.**

6. Would the proposal use non-renewable resources in a wasteful and inefficient manner? **Not Applicable, because the project is to provide maintenance of existing drainage structures and use non-renewable resources in a wasteful or inefficient manner.**

II. POPULATION AND HOUSING

1. Would the proposal potentially induce substantial growth in an area either directly or indirectly? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, potential growth in the area of the actions.**

2. Would the proposal displace a potentially significant amount of existing housing, especially affordable housing? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, the amount of housing available.**

III. GEOLOGIC ISSUES

1. Would the proposal have the potential to significantly increase the exposure of people to hazards related to fault rupture (Alquist-Priolo Zone), seismic ground shaking, seismic ground failure (liquefaction), subsidence of land (from groundwater extraction), or landslides? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, the potential for people to be exposed to seismic related hazards.**

2. Would the proposal result in potentially significant increased erosion? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not result in increased erosion and may be expected to decrease erosion.**

3. Would the proposal result in potentially significant unstable soil conditions from excavation, grading, or fill? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, the stability of existing soil conditions**

4. Does the proposal have soil characteristics that have the potential to substantially increase grading quantities? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be**

affected by, nor would it affect, existing soil conditions or grading requirements.

5. Would the proposal result in a potentially significant adverse effect to unique geologic features? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, any unique geologic features.**

6. Would the proposal result in potentially significant loss of availability of a known significant mineral resource that would be of future value to the region? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, any known mineral resources.**

IV. WATER RESOURCES

1. Would the proposal create a potentially significant adverse environmental impact to drainage patterns or the rate and amount of surface runoff? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would maintain existing drainage patterns and capability to accommodate design levels of surface runoff.**

2. Would the proposal result in a potentially significant increase in local imported water supply demand? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, water supplies.**

3. Would the proposal have a potentially significant adverse impact on surface water quality? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect existing characteristics of the surface water quality.**

4. If the proposal is groundwater dependent, plans to utilize groundwater for non-potable purposes, or will obtain water from a groundwater dependent water district, does the project have a potentially significant adverse impact on groundwater quantity? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, ground water conditions.**

5. Would the project have a potentially significant adverse impact on groundwater quality? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not affect groundwater quality.**

V. AIR QUALITY

1. Would the proposal have the potential to significantly contribute to the violation of any air quality standard or significantly contribute to an existing or projected air quality violation? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, air quality.**

2. Would the proposal have the potential to significantly increase the exposure of sensitive receptors to any excessive levels of air pollutants? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, air quality and the potential for release of air pollutants.**

3. Would the proposal potentially result in the emission of objectionable odors at a significant intensity over a significant area? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not produce any objectionable odors.**

VI. TRANSPORTATION/CIRCULATION

1. Would the proposal result in a potential increase in traffic congestion that is significant in relation to existing traffic loads and street capacities? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it adversely affect, traffic.**

2. Would the proposal result in potentially significant adverse traffic safety impacts related to development of, or increased exposure to, identified traffic safety issues (e.g., sharp curves, limited sight distance, or dangerous intersections) or incompatible uses (e.g., farm equipment, heavy truck use)? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it adversely affect, traffic safety.**

3. Would the proposal potentially result in inadequate emergency access? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect emergency access.**

4. Would the proposal potentially result in insufficient parking capacity on-site or off-site? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect parking capacity.**

5. Would the proposal result in a potentially significant adverse increase in hazards or barriers for pedestrians or bicyclists? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not increase hazards or barriers for pedestrians or bicyclists.**

VII. BIOLOGICAL RESOURCES

1. Would the proposal result in potentially significant adverse impacts to an endangered, threatened, or rare plant or animal species or their habitats? **Yes, unless mitigated**

2. Would the proposal result in potentially significant adverse impacts to wetland habitat? **Yes, unless mitigated**

3. Would the proposal result in potentially significant adverse impacts to wildlife dispersal or migration corridors? **Not Applicable**

Brief Explanation of Biological Resources Answers (as necessary):

VII -1. The actions taken under RGP 53 Phase II have the potential to adversely impact four species on the Federal and State endangered species lists, the least Bell's vireo, southwestern willow flycatcher, Stephens' kangaroo rat, and the arroyo southwestern toad. However implementation of appropriate mitigation measures will reduce the potential for impacts to these species to less than significant levels. Mitigation measures include: 1) minimizing removal of southwestern willow scrub/woodland and mulefat scrub riparian habitat, 2) avoiding removal of vegetation in designated critical habitat and use of mitigation bank credit for habitat losses at a 1:1 to 3:1 ratio where appropriate, and 3) avoiding construction activities in vireo and flycatcher habitat during the breeding season (March 15 through September 15, and May 1 through August 30, respectively). If project activities cannot be avoided during the arroyo southwestern toad breeding season, protocol surveys will be conducted to identify the presence of the species. If the toad is present, construction activities will not be allowed until a monitor is present to assist in relocation of individuals to appropriate habitat within the same drainage. Other mitigations are required within the Biological Opinion provided by the USFWS as part of the Endangered Species Act Section 7 consultation process, and as part of the RGP 53 process.

VII -2. The actions taken under RGP 53 have the potential to adversely affect wetland habitats. However, implementation of appropriate mitigation measures will reduce the potential for impacts to this habitat to less than significant levels. Mitigation measures include: 1) minimizing removal of southwestern willow scrub/woodland and mulefat scrub riparian habitat, 2) avoiding removal of vegetation in designated critical habitats, and 3) use of on site mitigation or use of mitigation bank credit for habitat losses at a 1:1 to 3:1 ratio where appropriate. Mitigation for vegetation impacts may also include use of selective mowing and trimming techniques, clearing of one side of a channel only, or clearing alternating sides of a channel as forms of onsite mitigation.

VIII. HAZARDS

1. Would the proposal present a significant risk of accidental explosion or release of hazardous substances? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not present a risk of explosion or release of hazardous substances.**

2. Would the proposal have the potential to significantly interfere with an emergency response plan or emergency evacuation plan? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not affect any emergency response or evacuation plans.**

3. Would the proposal have the potential to significantly increase the fire hazard in areas with flammable vegetation? **Not Applicable, because the project is to provide maintenance of existing drainage it would not increase the fire hazard characteristics of any project site.**

4. Would the proposal expose people or property to flooding? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would reduce the potential for exposure of people and property to flooding.**

5. Would the proposal expose people to any other demonstrable potentially significant health or safety hazard not listed above? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not expose people to any potentially significant health or safety hazards.**

IX. NOISE

1. Would the proposal expose people to potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance)? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not expose people to increased noise levels.**

2. Would the proposal generate potentially significant adverse noise levels (i.e., in excess of the County General Plan or Noise Ordinance)? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not generate potentially significant adverse noise levels.**

X. PUBLIC SERVICES

Would the proposal create potentially significant adverse effects on, or result in the need for new or significantly altered services or facilities including a significantly increased maintenance burden on fire or police protection, schools, parks, or other public services or facilities? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it adversely affect, public services or facilities**

XI. UTILITIES AND SERVICES

Would the proposal result in a need for potentially significant new systems or supplies, or substantial alterations to the following utilities:

Power or natural gas;
Communication systems;
Water treatment or distribution facilities;
Sewer or septic tanks;
Storm water drainage;
Solid waste disposal;
Water supplies?

Not Applicable, because the project is to provide maintenance of existing drainage structures and would not be affected by, nor would it affect, any of the utilities outlined above.

XII. AESTHETICS

1. Would the proposal result in a demonstrable potentially significant adverse effect on a scenic vista or scenic highway? **Not Applicable, because the**

project is to provide maintenance of existing drainage structures it would not adversely affect any scenic vistas or highways.

5. Would the proposal result in a demonstrable potentially significant adverse visual impact that results from landform modification, development on steep slopes, and/or excessive grading (cut/fill slopes)? **Not Applicable, because the project is to provide maintenance of existing drainage structures it would not result in adverse visual impact due to landform modification.**

6. Would the project have any other demonstrable potentially significant negative aesthetic effect not included above? **Not Applicable, because the project is to provide maintenance of existing drainage structures no negative aesthetic impact would occur.**

4. Would the project produce excessive light or glare? **Not Applicable, because the project is to provide maintenance of existing drainage structures no excessive light and glare would be produced.**

XIII. CULTURAL AND PALEONTOLOGICAL RESOURCES

1. Would the proposal grade or disturb geologic formations that may contain potentially significant paleontological resources? **Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect any previously undisturbed geological formations.**

2. Would the proposal grade, disturb, or threaten a potentially significant archaeological, historical, or cultural artifact, object, structure, or site which:

   a. Contains information needed to answer important scientific research questions;

   b. Has particular quality or uniqueness (such as being the oldest of its type or the best available example of its type);

   c. Is directly associated with a scientifically recognized important prehistoric or historic event or person;

   d. Is listed in, or determined to be eligible to be listed in, the California Register of Historical Resources, National Register of Historic Places, or a National Historic Landmark; or

   e. Is a marked or ethnohistorically documented religious or sacred shrine, landmark, human burial, rock art display, geoglyph, or other important cultural site?

Not Applicable, because the project is to provide maintenance of existing drainage structures and would not affect any cultural resources.

XIV. OTHER IMPACTS NOT DETAILED ABOVE

Not Applicable

XV. MANDATORY FINDINGS OF SIGNIFICANCE

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Not Applicable, because the project is to provide maintenance of existing drainage structures, and the mitigation measures included in the USFWS Biological Opinion (1-6-98-F-37) in compliance with the Endangered Species Act, the Federal EA, RGP 53 (Permit No. 97-20226-DZ), California Incidental Take Permit (2081-1998-46-5), Streambed Maintenance MOU (5-238-95), and in this CEQA document will reduce the potential impacts on vegetation, fish, and wildlife to less than significant levels.**

2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? **Not Applicable, because the project is to provide maintenance of existing drainage structures and the mitigation measures to be implemented will reduce the impacts to less than significant on a short-term as well as over the long-term.**

3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) **Not Applicable, because the project is to provide maintenance of existing drainage structures and the mitigation measures to be implemented will reduce direct, indirect, and cumulative impacts to less than a significant level.**

4. Does the project have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly? **Not Applicable, because the project is to provide maintenance of existing drainage structures primarily as a safety consideration. Therefore it will not have an adverse impact on human beings.**

XVI. EARLIER ANALYSIS

Earlier California Environmental Quality Act (CEQA) analyses are used where one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration.

1. Earlier analyses used. **This project is Phase II of a program analyzed in an earlier Mitigated Negative Declaration (August 11, 1998/Item 38), a U.S. Army Corps of Engineers Environmental Assessment, a U.S Fish and Wildlife Service Biological Opinion (No. 1-6-98-F-37) under the Endangered Species Act, a California Incidental Take Permit (2081-1998-46-5), and a Streambed Maintenance MOU (5-238-95).**

Attachment C

Project Specific Environmental Procedures and Mitigation Measures

Attachment C Project Specific Environmental Procedures and Mitigation Measures

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
EP-BIO-1	**FMP Preparation/Verification**. DPR shall prepare a project-specific Facilities Maintenance Plan (FMP) for new facilities or verify consistency of the Proposed Project with the applicable FMP(s) included in the approved MWMP Appendix A, and shall include written and graphic depiction of the facility-specific biological resources/impacts and avoidance areas, access/staging/ loading routes, the equipment that will be used to complete the maintenance, and applicable mitigation measures. FMPs are designed to avoid and minimize impacts to biological resources to the maximum extent practicable while providing flood risk reductions and ensuring the ongoing functionality of existing infrastructure. If compensatory mitigation has been provided for previously permitted maintenance areas, proof of mitigation implementation/ credit will be provided as part of the Proposed Project-specific FMP.	Prior to construction	DPR	DPR
EP-BIO-2	**Lighting Restrictions**. DPR shall ensure nighttime lighting required during emergency maintenance complies with the City of San Diego Outdoor Lighting Regulations pursuant to Land Development Code (LDC) Section 142.0740 and the County Light Pollution Code Division 9 of the San Diego County Code to the maximum extent practicable, and shall be low-pressure sodium illumination (or similar) and directed away from the Multiple Species Conservation Program preserve when the work site is adjacent to the Multi-Habitat Planning Area (MHPA) using appropriate placement and shielding.	Prior to construction	DPR	DPR
EP-BIO-3a	**Qualified Biological Monitor**. DPR shall ensure the following protocols are included in the FMP for maintenance activities within or adjacent to sensitive biological resources: 1. *Qualified Biologist*. DPR shall retain a Qualified Biologist (QB) to implement required monitoring and follow all applicable county, state, and federal guidelines.	Prior to construction	DPR and QB provided by DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	2. *Documentation*. Prior to commencing maintenance on any storm water facility within, or immediately adjacent to, an MHPA, DPR shall verify that all MHPA boundaries and limits of work have been delineated on all maintenance documents. 3. *Biological Construction Mitigation/Monitoring Exhibit*. The QB shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes limits of work, proposed monitoring schedule, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the QB and DPR. The BCME shall include the FMP site plan, written and graphic depiction of the Proposed Project's biological mitigation/monitoring program, and a schedule. Where the potential for impacts to biological resources is limited (e.g., removal of sediment or debris from an unvegetated concrete structure that flows into a closed storm drain system during the non-breeding season), the monitoring program may be limited to a pre-and post-maintenance verification inspections. For highly sensitive resource areas, full-time biological monitors may be required. The BCME shall be approved by DPR prior to the start of maintenance. 4. *Resource Marking/Protection*. Prior to maintenance activities, the QB shall confirm the placement of orange construction fencing or visible marker, staking, or flagging along the limits of the facility maintenance area adjacent to sensitive biological habitats, as shown on the BCME, to ensure crews remain in the approved maintenance areas. These demarcations will not be required for facilities with existing structures, such as chain-link fencing, along the limits or facilities that are adjacent to urban and non-sensitive habitat areas.			

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	This phase shall include flagging plant specimens and delineating buffers to protect sensitive biological resources (e.g., habitats, sensitive flora and fauna species, including nesting birds) during construction. Appropriate steps/care shall be taken to minimize attraction of nest predators to the site.			
EP-BIO-3b	**Pre-Construction Meeting/Education**. Prior to the start of any activity, DPR shall arrange an on-site pre-maintenance meeting with the following in attendance: County representative, Project Consultant(s) (e.g., QB), Construction Manager (CM) (if applicable), Resident Engineer (RE) (if applicable), and other parties of interest. At this meeting, the QB shall identify and discuss the maintenance protocols that apply to the maintenance activities and the sensitive nature of the adjacent habitat with the crew and subcontractor. At the pre-maintenance meeting, the QB shall submit to DPR and CM a copy of the FMP and BCME that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices, if applicable. Prior to commencement of maintenance activities, the QB shall meet with the crew supervisor and the maintenance crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved maintenance area and to protect sensitive flora and fauna that may occur at the specific facility (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas).	Prior to construction	DPR, QB provided by DPR, CM, and RE (*if applicable*)	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
EP-BIO-3c	**Biological Monitoring and Reporting**. The designated QB shall inspect/monitor the Proposed Project area in accordance with the approved BCME. This may be limited to pre-and post-maintenance inspections, weekly visits, or full-time monitoring, as determined by the QB and DPR. The QB shall document monitoring events. If no deviations from the FMP occur during maintenance, no additional documentation is required. If deviations from the FMP occur, such as unanticipated impacts to sensitive vegetation communities or unanticipated discharge of pollutants, a Final Monitoring Report shall be prepared within 3 months following the completion of mitigation monitoring detailing maintenance and monitoring that occurred and any remedial or compensatory measures taken.	Prior to, during, and post construction	DPR and QB provided by DPR	DPR
EP-BIO-4	**Handling of Non-Native Invasive Plant Species**. Where an FMP involves potential disturbance of non-native invasive plant species (as identified by the California Invasive Plant Council), DPR shall implement standard environmental hygiene practices and the following maintenance procedures, or current best practices approved by the QB, to ensure that dispersal of propagules (e.g., seeds, stems) are avoided or minimized: • When non-native invasive plants can be removed entirely (e.g., root and aboveground plant material), the removal shall be monitored by the QB. • When removing the roots of non-native invasive plants is not feasible (e.g., when erosive flows are predicted), DPR shall determine if any above-ground plant material can be removed (e.g., cut/trimmed). The removal of any above-ground plant material shall be monitored by the QB. If herbicides are used to treat roots or cut/trimmed plants, it shall be applied by a Licensed Pest Control Advisor using chemicals permitted as safe within aquatic environments.	Prior to and during construction	DPR and QB provided by DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	• When removing the roots and above-ground non-native invasive plants is not feasible (e.g., due to limited access), DPR shall coordinate with the QB to determine if herbicides or other methods to treat plant material could be implemented. If herbicides are used to treat roots or cut/trimmed plants, it shall be applied by a Licensed Pest Control Advisor using chemicals permitted as safe within aquatic environments. DPR shall inspect and clean in place any equipment and tools used to handle, remove, and/or treat non-native invasive plants on a daily basis during active maintenance to limit the transfer of invasive rhizomes, seeds, and infectious agents to new off-site work areas.			
EP-BIO-5	**Sensitive Plant Species Protection**. If maintenance activities will occur adjacent to areas suitable for listed and/or narrow endemic plants, and no direct impacts are proposed to occur, DPR shall ensure the boundaries of the plant populations designated sensitive by the resource agencies are clearly delineated with flagging or temporary fencing that must remain in place for the duration of the activity.	Prior to construction	DPR	DPR
EP-BIO-6	**Handling of Potential Shot Hole Borer or Other Infestations**. If maintenance within a particular facility will impact woody riparian vegetation within a watershed where shot-hole borer is known to occur, DPR shall ensure a biologist knowledgeable of shot-hole borer life history and behavior conducts an initial premaintenance survey of the facility segments to determine if indicators of shot-hole borer infestation are present within the maintenance area. If no indicators of shot-hole borer are observed, removal and disposal of the vegetative material shall proceed as planned. If signs of shot-hole borer are observed, the following procedures, or current best practices, shall be implemented to manage the infestation and prevent further spread of the pest:	Prior to and during construction	DPR, QB provided by DPR, DPR General Contractor	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	• Disinfect all tools that come into contact with infected woody material using a 5 percent bleach solution, Lysol spray, 70 percent ethanol (or isopropyl). • Either chip or incinerate all woody vegetative material removed as part of maintenance. ○ If chipping method is used, all woody vegetative material removed as part of maintenance shall be chipped to less than 1 inch to dry the inwood climate out and make it unsuitable for beetles or fungus. Following chipping, material shall be solarized in the facility staging or stockpile area on site using a clear plastic or visqueen covering. The solarizing period shall be a minimum of two weeks during summer months and two months (or longer depending on weather) during winter months. The goal is to maintain temperatures under the cover between 95°F and 105°F. For any other pests that are identified as being present within vegetation in a facility maintenance area, the maintenance and removal methods will follow the most current scientifically-supported protocol for treatment and disposal of the material to avoid inadvertent dispersal of the pest species.			
EP-GEO-1	**Preparation of Geotechnical Report**. When earthen bank repair is necessary, DPR shall ensure a geotechnical report for any new earthen bank repair activities not analyzed as part of the approved project is prepared in accordance with the Guidelines for Geotechnical Reports in the City's Land Development Manual and/or applicable local, state, or federal guidelines, and the earthen bank repair design incorporates the recommendations of the geotechnical report. The geotechnical report shall also be submitted for review during the subsequent review process.	Prior to earthen bank repair	DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
EP-SW-1	**Waste Management Plan**. The City Transportation & Storm Water Department (TSW) has prepared a Waste Management Plan in accordance with the City's CEQA Significance Determination Thresholds. The Waste Management Plan adheres to the City's Guidelines for a Waste Management Plan. The Waste Management Plan includes a description of the Proposed Project and overall timeline, and identifies the type and tonnage of waste that would be generated, identifies ways to manage or reduce the waste (e.g., source reduction, recycling, composting), summarizes and identifies the effectiveness of different measures used to reduce waste, and identifies a plan for implementation. The Waste Management Plan also identifies the name and location of recycling, reuse, and landfill facilities where recyclables and waste shall be taken if not reused on site. DPR shall ensure the approved Waste Management Plan and EP-SW-2 through EP-SW-8 are implemented prior to the start of any maintenance activity proposed under the Municipal Waterways Maintenance Plan.	Prior to construction	DPR	DPR
EP-SW-2	**Reusable Materials.** Soil, sand, and silt shall be screened to remove waste debris and re-used as fill material, aggregate, or other raw material unless conditions specified in the Waste Management Plan make the use of screening equipment inappropriate or infeasible. For maintenance activities in concrete-lined or earthen-bottom storm water facilities that are not located in areas with known contamination or where unexpected contamination is encountered, a shaker or comparable equipment to separate and/or sort material shall be used, unless conditions specified in the Waste Management Plan make the use of this equipment inappropriate or infeasible, to separate reusable and recyclable materials from non-reusable materials. Once excavated material has been placed in stockpiles, it shall be screened and separated with the use of a shaker or comparable equipment unless this process is found to be infeasible, per the specifications in the Waste Management Plan.	During construction	DPR and DPR General Contractor	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	Reusable materials (e.g., soil, sand, or silt) that have been separated out shall be diverted to other sites within the County that need fill, aggregate, or other raw materials unless specific conditions provided in the Waste Management Plan indicate that reuse is not appropriate or feasible.			
EP-SW-3	**Suitable Reuse.** If not reused on site, excess fill dirt shall be beneficially reused by means of dirt brokers, or donated to another project, or advertised as available via print ad, online, or any other suitable means unless conditions specified in the Waste Management Plan make diversion of geologic materials infeasible.	During construction	DPR	DPR
EP-SW-4	**Green Waste.** Green waste material shall be diverted from disposal and put to the highest and best use (e.g., compost or landfill cover), unless conditions specified in the Waste Management Plan make diversion of green waste infeasible.	During construction	DPR and DPR General Contractor	DPR
EP-SW-5	**Tire Disposal.** Waste tires shall be separated and transported to an appropriate recycling facility. If more than nine tires are in a vehicle or waste bin at any one time, they shall be transported under a completed Comprehensive Trip Log to document that the tires were taken to an appropriate recycling facility.	During construction	DPR and DPR General Contractor	DPR
EP-SW-6	**Material Diversion.** When removal of sediments and debris from channels and storm drains are required, a preliminary estimate of the materials that can be diverted to beneficial use shall be made. Receipts from disposal, re-use, and recycling options shall indicate that 50 percent of materials are diverted. These uses shall include (a) recycling; (b) composting; (c) use as a fill material; (d) alternative daily cover; (e) land application; (f) cement, brick, block, or asphalt constituent; (g) road bed; (h) beach replenishment; or (i) other non-disposal use.	Prior to and during construction	DPR and DPR General Contractor	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
EP-SW-7	**Landfill Notification.** Only facilities properly permitted by the state, County of San Diego, or local authorities, where applicable, shall be used. Notification shall be provided to the Miramar Landfill at least 24 hours in advance of bringing in 10 tons or more of waste in any 1 day, or 60 tons or more in any 1 month.	Prior to and during construction	DPR and DPR General Contractor	DPR
EP-SW-8	**Composting.** Compostable green waste shall be taken to an approved composting facility, if available, unless conditions specified in the Waste Management Plan make diversion of green waste infeasible.	During construction	DPR and DPR General Contractor	DPR
EP-WQ-1	**Water Pollution Control Plan.** The City of San Diego (City) Storm Water Standards Manual require the development of a Water Pollution Control Plan (WPCP) that outlines the best management practices (BMPs) and pollution prevention measures that shall be implemented prior to and during maintenance activities (hereafter referred to as "facility water quality protection BMPs"). A MWMP facility-specific WPCP shall be developed prior to maintenance, using the WPCP Guidance Document specific to the MWMP. These facility-specific WPCPs shall be tailored to address facility-specific water quality conditions and BMP requirements based on the actual maintenance procedures that will be performed and the location of the MHPA boundary. BMPs shall ensure no trash, oil, parking, or other maintenance-related material/activities adversely affect the MHPA preserve. The BMP categories that shall be addressed in each WPCP include the following: • Project planning • Good site management "housekeeping" • Non-storm water management • Erosion control • Sediment control • Run-on and run-off control	Prior to construction	DPR and DPR General Contractor	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	Consistent with the City Storm Water Standards Manual and other regulatory requirements, each WPCP shall include objectives, responsibilities, and maintenance and inspection standards to ensure adherence to pollution prevention standards.			
MM-AQ-1	**Tier 4 Interim Construction Equipment**. Prior to the commencement of any four or more concurrent construction activities within the MWMP area, DPR shall sum the estimated corresponding maximum daily construction nitrogen oxide (NO_X) emissions from the Final EIR Table 5.2-6, Estimated Maximum Daily Construction Emissions By Representative Project (Unmitigated), to determine if the combined emissions exceed the San Diego County Air Pollution Control District (SDAPCD) construction threshold of 250 pounds per day for NO_X. If the combined NO_X emissions exceed the SDAPCD threshold, the CM shall provide evidence to DPR that, for off-road equipment with engines rated at 75 horsepower or greater, no equipment shall be used that is less than Tier 4 Interim. An exemption from these requirements would be granted if DPR documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption is considered, DPR shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed Tier 4 Interim equipment could not be located within the San Diego region. If Tier 4 Interim equipment is not reasonably available, then all diesel-powered equipment, equal to or greater than 75 horsepower, shall have at least California Air Resources Board-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement), which provides an equivalent reduction.	Prior to four or more concurrent construction activities within the MWMP area	DPR and DPR General Contractor	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
MM-BIO-2	**Unintended Impact Mitigation**. Should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatments within any unintentional disturbance areas in native habitat in accordance with the City and/or County guidelines. Habitat revegetation shall feature native species that are typical of the area, and erosion control features shall include silt fence and straw fiber rolls, where appropriate (e.g., in areas where sheet flow during rain events may cause erosion). The revegetation areas shall be monitored and maintained for a minimum of 25 months to ensure adequate establishment and sustainability of the plantings/seedlings to reduce the risk of erosion and/or non-native, invasive plant species establishment.	Post construction	DPR	DPR
MM-BIO-4	**Avoidance of Nesting Bird Impacts**. To avoid direct impacts to species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (USFWS), removal of habitat that supports active nests in the proposed area of disturbance shall occur outside of the breeding season of these species (January 15 through September 15), where feasible. If removal of habitat in the proposed area of disturbance must occur during the breeding season, the QB shall conduct a pre-construction survey to determine the presence or absence of nesting birds within the proposed area of disturbance. The pre-construction survey shall be conducted no more than three calendar days prior to the start of construction activities (including removal of vegetation). DPR shall review and approve the results of the pre-construction survey prior to initiating any construction activities.	Prior to construction between January 15 and September 15	DPR and QB provided by DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	If nesting birds are detected, a general survey report or and an avoidance plan, if applicable, in conformance with the SDBG and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, and construction barriers/buffers) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs is avoided.			
MM-BIO-5	**Avoidance of Listed Species Take**. Prior to the preconstruction meeting, DPR shall verify that Multi-Habitat Planning Area (MHPA) boundaries and the requirements regarding the least Bell's vireo, Ridgway's rail, and southwestern willow flycatcher as specified below, are shown on the Facility Maintenance Plans. No clearing, grubbing, grading, or other construction activities shall occur during the least Bell's vireo and Ridgway rail's breeding season (March 15 through September 15, or southwestern willow flycatcher breeding season (May 1 through September 15) until the following requirements have been met to the satisfaction of DPR: 1. A QB (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dBA] hourly average for the presence of the least Bell's vireo and southwestern willow flycatcher. Surveys for least Bell's vireo and southwestern willow flycatcher, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If least Bell's vireo or southwestern willow flycatcher are present, then the following conditions must be met, unless otherwise approved by the QB:	Prior to preconstruction meeting and between March 15 and September 15	DPR and QB provided by DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	a. March 15 through September 15 for least Bell's vireo and May 1 through September 15 for southwestern willow flycatcher, no clearing, grubbing, or grading of occupied habitat shall be permitted unless noise attenuation or minimization measures are in place that reduce noise levels below 60 dBA. Areas restricted from such activities shall be staked or fenced under the supervision of a QB; and b. March 15 through September 15 for least Bell's vireo and May 1 through September 15 for southwestern willow flycatcher, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by DPR prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a QB; or 2. Attenuation or minimization measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dBA hourly average at the edge of habitat occupied by the least Bell's vireo, and/or southwestern willow flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dBA hourly average.			

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and DPR, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment. 3. If least Bell's vireo and/or southwestern willow flycatcher are not detected during the protocol survey, the QB shall submit substantial evidence to DPR and applicable resource agencies that demonstrates whether mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, and/or May 1 through September 15 for southwestern willow flycatcher, adherence to the following is required: a. If this evidence indicates that the potential is high for least Bell's vireo and/or southwestern willow flycatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.			

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	4. If work is proposed within a facility segment where Ridgway's rail has been identified to have a moderate or high potential to occur (Appendix E to Appendix D), then an agency-approved biologist will perform the following duties prior to the start of maintenance: a. A minimum of three focused pre-construction surveys on separate days, to determine the presence of Ridgway's rails in the facility Proposed Project impact area outside the rail breeding season. Surveys will begin a maximum of 7 days prior to performing Proposed Project construction and one survey will be conducted the day immediately prior to performing Proposed Project construction. If Ridgway's rail are observed within the Proposed Project impact area, DPR will follow conditions and measures included in all regulatory agency permits for the Proposed Project and ensure no harm or take to Ridgway's rail occurs as a result of the Proposed Project and coordinate with regulatory agencies, as necessary.			
MM-BIO-6	**Avoidance of Raptor Breeding Impacts**. If maintenance is planned to occur during the raptor breeding season (January 15 through August 31), a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat. If active raptor nests are found, maintenance shall not occur within: • 300 feet of a Cooper's hawk nest, • 900 feet of a northern harrier's nest, or • 300 feet of any other raptor's nest until the QB determines the nesting cycle is complete (i.e., when fledglings become independent). If removal of any eucalyptus trees or other trees used by raptors for nesting within a maintenance area is proposed during the raptor breeding season (January 15 through August 31), a QB shall ensure that no raptors are nesting in such trees.	Prior to construction between January 15 through August 31	DPR and QB provided by DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 300 feet of any nesting site of Cooper's hawk or other nesting raptor until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season. In addition, if removal of grassland or other habitat appropriate for nesting by northern harriers, a QB shall ensure that no harriers are nesting in such areas. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 900 feet of any nesting site of northern harrier until the young fledge. Maintenance activities may continue during the raptor breeding season if the QB determines, through sufficient bird and nest monitoring, that no impact to raptors will occur as a result of the maintenance.			
MM-BIO-7	**Avoidance of California Gnatcatcher Breeding Impacts in MHPA**. Prior to the preconstruction meeting, DPR shall verify that the MHPA boundaries, and the requirements regarding the coastal California gnatcatcher, as specified below, are shown on the Facility Maintenance Plans. No clearing, grubbing, grading, or other construction activities shall occur during the coastal California gnatcatcher breeding season (February 15 through September 30on MHPA lands), until the following requirements have been met to the satisfaction of the DPR: 1. A QB (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dBA] hourly average for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by USFWS within the breeding season prior to the commencement of any construction.	Prior to preconstruction meeting and between February 15 and September 30	DPR and QB provided by DPR	DPR

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	If coastal California gnatcatchers are present, then the following conditions must be met: a. February 15 through September 30 on MHPA lands, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a QB; and b. February 15 through September 30 on MHPA lands, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by DPR at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a QB; or c. At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dBA hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average.			

Reference	Environmental Procedure or Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (October 1). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and DPR, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures would include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment. 2. If coastal California gnatcatchers are not detected during the protocol survey, the QB shall submit substantial evidence to DPR and applicable resource agencies which demonstrates whether mitigation measures such as noise walls are necessary from February 15 through September 30 on MHPA lands as follows: a. If this evidence indicates that the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above. b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.			