CITY OF CHULA VISTA

NOTICE OF DECISION

Approval and Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Proposed Otay Trails & Mitigation Bank Expansion Project

Notice is hereby given that the City of Chula Vista Director of Development Services has considered, approved and adopted the Mitigated Negative Declaration ("MND") and related Mitigation Monitoring and Reporting Program ("MMRP") for the proposed the Otay Trails & Mitigation Bank Expansion Project. The proposed project, which has not been approved, involves the expansion of the 2016 Restoration Project mitigation bank component ("Original Mitigation Bank") and the creation, modification, and formalization of trails within the entire proposed project limits. The proposed Mitigation Bank expansion is located on land owned by HomeFed and the City of Chula Vista and includes enhancement, rehabilitation, and re-establishment of hydrological processes, vegetation communities, and wildlife habitats associated with the Lower Otay River watershed that will be self-sustaining and can adjust to dynamic natural processes. The proposed project would also construct and enhance trails, re-establish primary and secondary flow channels, low and high floodplains, and native transitional habitat as well as remove nonnative invasive species and restore native vegetation. This will serve to improve hydrologic conditions, significantly reduce the upstream invasive species seed sources, preserve connectivity between adjacent areas of preserved land and natural habitats, and preserve wildlife movement corridors, and would result in a net gain in functions and services following restoration activities.

The proposed project would provide mitigation opportunities to offset impacts on waters of the U.S. and state, including wetlands, and impacts to vegetation and habitat communities within the California Department of Fish and Wildlife ("CDFW") jurisdiction, within a designated service area, currently proposed to include the Otay River watershed, Tijuana watershed, and portions of the San Diego River watershed. As stated above, the 2016 Restoration Project was designed to meet the compensatory mitigation needs associated with unavoidable impacts on jurisdictional waters of the U.S., waters of the state, and associated habitats due to the implementation of the Otay Ranch University Villages and future City projects.

Objective

The primary objective of the proposed project is to create an ecologically functional, self-sustaining riverine wetland system that is resilient to a range of natural disturbances (e.g., drought, flood) and to enhance, rehabilitate, and re-establish hydrological processes, vegetation communities, and wildlife habitats associated with the Lower Otay River watershed that will be self-sustaining and can adjust to dynamic natural processes.

Project Setting

The proposed project is within five parcels in the Otay River Valley, including an approximately 300-acre parcel owned by HomeFed. All parcels are in southwestern San Diego County,

California, in the City of Chula Vista and encompass the floodplain area immediately downstream of Savage Dam and Lower Otay Reservoir.

The proposed project occurs within the upper portion of the Lower Otay River watershed, approximately 1.2 miles downstream from Savage Dam. It is generally south and west of the Lower Otay Reservoir and surrounded by open space largely within the Multiple Species Conservation Program ("MSCP") preserve system managed in partnership by the City of Chula Vista, City of San Diego, and County of San Diego. Specifically, the City Parcels are owned in fee title by the City of Chula Vista and are designated as Open Space Preserve in the City's General Plan. Fee title was transferred to the City as open space mitigation for a previous Otay Ranch development project. Additionally, the City and HomeFed Parcels, where the proposed project is located, are part of the City's MSCP Subarea Plan, which designates the parcel as a 100 percent Conservation Area, and protects the habitat on site from development and impacts. The City of Chula Vista and the County of San Diego together, via a Joint Powers Agreement, are the Otay Ranch Preserve Owner/Manager. The Preserve Owner/Manager is responsible for the long-term management of the upland portion of the property. Land management activities are guided by the Otay Ranch Resource Management Plan and funded through a Community Facility District.

Project Elements

The proposed project is an expansion of the 2016 Restoration Project and includes rechanneling the mainstem channel and tributaries, grading and restoring the lower and upper floodplains, and restoring and enhancing upland, transitional, and riparian habitats. The proposed project also incorporates improvements to the multi-use and secondary trails for public use, close and reclaim some redundant trails and roads, adds fencing to protect sensitive resources and minimize trespassing, and includes educational kiosks to inform recreationalists on the restoration efforts and sensitive resources inhabiting the Otay River.

Mitigation Bank Expansion

Mitigation bank expansion and ecological restoration activities associated with the proposed project would begin with removal and management of nonnative, invasive species within the Otay River followed by the re-establishment of the Otay River mainstem and the creation of a secondary channel and floodplain terrace to maximize the hydrologic function of the overall floodplain. The transitional areas and upland habitat buffering the site would then be rehabilitated through the recontouring of slopes, removal of invasive plant species, and revegetation with appropriate native species.

Before it was disturbed, the Otay River through the proposed project area consisted of a braided river channel and associated floodplain; therefore, the intent of the restoration phase of the proposed project is to rehabilitate the channel and re-establish these conditions through the creation of a series of secondary channels. The created channels would connect to the up- and downstream existing mainstem and would include a low and high terrace along with sandy bar complexes and would be designed to accommodate flood events. In particular, the active low floodplain is intended to accommodate a 10-year flood event, while the high floodplain would likely correspond to a 25-year event, with larger events inundating the entire valley floor with water rising into the upland areas as needed.

Rehabilitation activities would include removing flow-impeding features left behind by the sand mining operation, including existing berms, cobble rows, and sediment piles, and recontouring the transitional upland area to mirror adjacent natural slopes and accommodate rising floodwaters. This area would also be treated for nonnative species and revegetated with native species such as sage scrub and cactus scrub. These improvements to the vegetative cover are expected to result in improved hydrology and flood capacity, bio-filtration, and sediment and toxicant trapping.

Enhancement activities would include removing and managing nonnative, invasive species such as arundo, dense tamarisk stands, and eucalyptus. Removal of nonnative, invasive plant species would help lower the overall distribution of nonnative seed and propagules within the watershed area and protect the proposed project.

Trails

The proposed project includes modifications to existing trail routes beyond those described as part of the 2016 Restoration Project. These proposed modifications include trail improvements (grading and contouring) to facilitate drainage and reduce ponding and water damage; new trail alignments to avoid sensitive resources and improve the trail experience for the users; select fencing and placement of natural barriers (boulders and logs) to keep pedestrian and vehicles on trail routes; and trail reclamation and road width reduction.

The trail network within the proposed project site would consist of two trail types (multi-use trails and secondary trails) to serve both recreational resources and routine maintenance access to the site. In addition, a series of existing roads and road shoulders would be reclaimed as part of proposed project implementation. Certain segments of roads have been identified as redundant and unnecessary and would be graded where appropriate and revegetated to blend into the surrounding landscape. In some instances, large rocks or woody material would also be used to close entry points to trails, allowing the natural regrowth of native plant species. In addition, existing roads would be narrowed (either entirely or in specific segments) by reclaiming portions of the shoulders to be more accommodating to pedestrians.

Trail improvements would include wayfinding signs and interpretive opportunities along scenic points of the river and riparian areas. The Mitigation Bank Expansion would include at least two stream crossings with the trails. For these locations, a semi-hardened crossing is proposed to meet the creek at grade to allow water to flow. The crossings on the proposed project would be constructed with interlocking, permeable, concrete surface bedding in the river bottom. The voids in the concrete bedding would be filled with gravel to both stabilize the surface from storm flow events and provide a stable surface for trail users to walk or ride across. The gravel would consist of crushed, 0.75-inch, compacted rock and smaller material. The trail surface would transition back to a compacted, decomposed, granite, crushed-rock surface or the existing natural material above the creek bed.

Trails and Access Goals

1. Protect existing and proposed native riparian habitat by focusing users (i.e., U.S. Customs and Border Protection) to key access roads and closing others permanently.

2. Design trails to maximize the user experience while avoiding sensitive resources and ensuring access as needed for U.S. Customs and Border Protection, SDG&E, OWD, and the County.

3. Establish Otay Valley Regional Park Concept Plan and City of Chula Vista Greenbelt Master Plan trail corridors to minimize the potential impacts on the restoration area from existing and potential future uses.

4. Avoid impacts on all road ponds that support San Diego fairy shrimp.

5. Install split-rail fencing, trail signage, and educational kiosks at select locations to keep users on the trails and outside of the restoration area and to avoid dangerous locations and sensitive species/habitats.

6. Maintain vehicular use of the site by U.S. Customs and Border Protection, SDG&E, OWD, and rangers while limiting the impact on future trail users and natural resources.

7. Upgrade one permanent at-grade channel crossing at the downstream end of the proposed project using rock and other natural, hard material and protect the existing SDG&E gas transmission line.

8. Reconnect tributaries to the mainstem river floodplain while also maintaining vehicle and trail user access. This includes the confluence with Salt Creek and O'Neil Canyon as well as the smaller, unnamed tributaries to the north.

Restoration Activities

As an expansion of the 2016 Restoration Project, the proposed project would include restoration activities within the proposed project limits. Restoration activities would range among heavy, moderate, and light. Heavy restoration activities include grading of the mainstem Otay River and floodplain areas, grading and restoration of tributaries, grading and establishment of mounds, depressional and vernal pools, grading of the trails and crossings, as well as soil placement for slope repair. Moderate restoration activities include trail reclamation, dethatching, mechanical weeding (more intense weeding), grow/kill cycle, planting and seeding and stock pile areas. Light restoration activities include habitat enhancement and minimal weeding (hand removal and low herbicide application).

Pursuant to the California Environmental Quality Act ("CEQA"), the Director of Development Services has determined that the proposed project has the potential to cause significant environmental impacts, however, mitigation measures acquired, as conditions of approval will reduce any impacts to a level below significance. Therefore, a Mitigated Negative Declaration, IS21-0004 has been prepared.

Approval of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Proposed Project.

The City of Chula Vista's Director of Development Services has approved and adopted Mitigated Negative Declaration *IS21-0004* and the related Mitigation Monitoring and Reporting Program for the proposed project based upon the following findings of facts:

1. That the potential impacts on the environment as a result of the proposed project would be related to the resource areas of Biological Resources, Cultural Resources, Hazards & Hazardous Materials, Land Use/Planning, and Tribal Cultural Resources. Temporary impacts associated with the proposed project would result from two restoration activities: habitat restoration (habitat enhancement and rehabilitation) and grading (for habitat establishment and re-establishment). A relatively small amount of permanent impacts would occur from the creation of new trails, which would include grading, and from work (channel armoring) on at least two existing stream crossings. All habitat restoration and establishment/re-establishment impacts are considered temporary because the proposed project is a restoration activity, and any affected area would be restored with native vegetation, ultimately leading to a net gain in viable habitat and native plant communities as well as overall improvement in river conditions. Thus, with incorporation of mitigation measures (BIO-1 through BIO-11; CUL-1 through CUL-3; HAZ-1 & HAZ-2; LU-1; and TRC-1), the proposed project is not expected to have any significant impacts.

2. That this project is a restoration project that would ultimately significantly increase the quantity, and improve and enhance the function and quality, of native habitats that are suitable for special-status wildlife species and would directly benefit the primary goals of the City of Chula Vista MSCP Subarea Plan, which are to conserve covered species and their habitat through the conservation of interconnected significant habitat cores and linkages. The proposed project would restore over 1 mile of lost river channel and its floodplain and further enhance existing preserved upland habitats while minimizing impacts on sensitive resources. Thus, the proposed project would improve habitat functions and directly benefit many MSCP covered flora and fauna.

Mitigated Negative Declaration *IS21-0004* and the related Mitigation Monitoring and Reporting Program for the proposed project are also approved based on the following additional findings of fact pursuant to the California Environmental Quality Act Guidelines section 15074:

1. The environmental determination is based on the attached Initial Study, any comments received in response to the Notice of Availability of the Initial Study, and any comments received during the public review period for this Mitigated Negative Declaration.

2. Based on the Initial Study, all comments received on the Initial Study and the Draft Mitigated Negative Declaration, the contents of the Final Mitigated Negative Declaration, all supporting technical studies and reports, the responses to comments on the Draft Mitigated Negative Declaration, the related Mitigation Monitoring and Reporting Program, and the entirety of the record before the City, there is no substantial evidence in the record before the City that the project will have a significant effect on the environment, with mitigation measures implemented as described in the Final Mitigated Negative Declaration and the related Mitigation Monitoring and Reporting Program.

3. The Mitigated Negative Declaration reflects the City's independent judgment and analysis. City Staff and/or technical consultants independently reviewed the MND materials and related record of proceedings and the City exercised overall control and direction of the environmental review process for the proposed project.

The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adopted pursuant to CEQA guideline section 15074(d). The Applicant (HomeFed Otay Land II, LLC) shall implement, to the satisfaction of the City of Chula Vista's Director of Development Services, the following mitigation measures in the MMRP (as further described in Exhibit 1) if and when the proposed project is approved by the City:

Biological Resources

1. **Obtain Approval of All Necessary Resource Agency Permits.** Prior to the issuance of a grading permit, the applicant will obtain all necessary resource agency permits and provide copies to the City. All conditions identified within each of the resource agency permits will be implemented in accordance with the permit. The applicable resource agency permits for the proposed project include a Clean Water Act (CWA) Section 404 Permit from the USACE, a CWA Section 401 Water Quality Certification from the RWQCB, a CWA Section 402 National Pollutant Discharge Elimination System Construction General Permit (Order No. 2012-0006-DWQ) from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW. In addition to the agency permits, a conservation easement or other approved site protection mechanism and endowment would be established per the USACE and Environmental Protection Agency Compensatory Mitigation Rule.

   The applicant will also enter into consultation with the USFWS under Section 7 of the Federal Endangered Species Act (FESA) to seek concurrence that the proposed project is consistent with the City of Chula Vista's MSCP Subarea Plan and that incidental take authorization is provided for the proposed project under the City of Chula Vista's MSCP Subarea Plan

2. **Biological Awareness Training.** Prior to initiation of grading activities and every 2 months through implementation, biological resource awareness training will be provided by a qualified biologist to all construction personnel. The training will include information regarding sensitive species with the potential to occur at the site as well as minimization and avoidance measures to reduce potential indirect effects on the habitat. A log of personnel who have completed the training and a copy of the training report/outline (including special-status species photos, targeted invasive plant species, and descriptions of the measures discussed in the training session) will be maintained at the construction office.

3. **Temporary Fencing.** Prior to the initiation of grading activities, sensitive resources, as identified by the designated biologist, will be clearly marked by well-installed temporary fencing that is prominently colored. The fence will be installed by the construction contractor and will be maintained and remain in place during all grading activities. In addition, the construction contractor is required to use machinery equipped with GPS systems programmed with the limits of grading, sensitive resources, and any other avoidance areas. The avoidance data will be provided to the contractor to ensure accuracy and will be verified in the field by the designated biologist.

4. **Biological Monitoring.** A qualified biological monitor will be on site during vegetation clearing activities to ensure that grading activities occur within designated areas. The monitor will also ensure that any special-status species that becomes entrapped within the grading limits is moved away from construction equipment. The biological monitor will also periodically inspect the limits of disturbance fence to ensure that it is in good condition. Any parts of the fence that need attention will be brought to the contractor's attention to be fixed immediately. In the event that a special-status species is located within the grading limits, the biological monitor will temporarily stop construction. Removal of special-status species should be done by a biologist qualified to handle that specific species. If needed, CDFW and USFWS will be informally consulted if there is a question on the best manner to safely address a situation with a special-status wildlife species.

5. **Best Management Practices (BMPs).** BMPs will be implemented during all grading activities to reduce potential indirect effects on special-status species and habitat. BMPs will include the following:
    - All trash will be properly stored and removed from the site daily to prevent attracting wildlife to the construction area.
    - Vehicles and equipment will be stored only on pre-designated staging areas in disturbed or developed areas. Fueling should be conducted in a manner that prevents spillage of fuel into the Otay River or into riparian or wetland habitats.
    - All maintenance of vehicles and equipment will be conducted in a manner so that oils and other hazardous materials will not discharge into the Otay River, or into riparian habitat areas (including Freshwater and Freshwater Marsh).
    - Dust control measures will be implemented to minimize the settling of dust on vegetation.
    - Appropriate firefighting equipment (e.g., extinguishers, shovels, water tankers) will be available on the site during all phases of proposed project construction, and appropriate fire prevention measures will be taken to help minimize the chance of human-caused wildfires.
    - All construction will be performed between dawn and dusk to the degree feasible to minimize potential indirect effects (e.g., increased depredation) on the species beyond the limits of disturbance.

6. **Nesting Bird Avoidance.** To avoid any direct impacts on nesting coastal California gnatcatchers, least Bell's vireo, burrowing owl, raptors, or other birds protected under the Migratory Bird Treaty Act (MBTA), removal of any vegetation that may support active nests within the project area will occur outside of the breeding season when feasible. The breeding season is defined as February 15–September 15. If vegetation removal must be conducted during the breeding season a qualified biologist will conduct nesting bird surveys within the work area and a 250-foot buffer in order to clear the area or locate active nests for monitoring and avoidance. Adequate avoidance buffers would be established around any active nests in coordination with the wildlife agencies. Following vegetation removal, biological monitors

will regularly monitor the perimeter of the work area for nests in the remaining vegetation and will work with the contractor to avoid any disturbance associated with construction activities.

7. **Preconstruction Burrowing Owl Survey.** A biologist will conduct preconstruction take-avoidance surveys for burrowing owls within 150 meters of project areas in suitable habitat no more than 14 days prior to ground-disturbing activities according to methods outlined in the CDFW's 2012 (or most recent) *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Surveys will provide data on whether burrowing owls occupy the site and, if so, whether the owls are actively nesting. If preconstruction take-avoidance surveys detect the presence of any active burrowing owl burrows during breeding season, the burrows will be avoided, and construction activities within 150 meters will be enclosed by construction fencing. Buffer sizes are outlined in CDFW's *Staff Report on Burrowing Owl Mitigation*. Active burrowing owl burrows will be monitored regularly to ensure no adverse effects on the burrowing owls are occurring. Avoidance buffers will remain in place until the nest fledges or fails. If, in consultation with the CDFW, it is determined that project activities require removal of occupied burrows, or burrows potentially occupied by burrowing owls, eviction and burrow closure may be required to ensure against "take" of owl or nests. If eviction is required, it will occur only after consulting with CDFW and CDFW approval. Monitoring will be conducted to ensure take is avoided during eviction procedures. Owls may not be evicted or captured without prior authorization from the CDFW.

8. **Vernal Pool and Vernal Pool–Dependent Species Avoidance.** The trails alignment described in this report is planned to be further refined in order to avoid all permanent impacts on federally listed branchiopods. To avoid potential fairy shrimp habitat areas and potential impacts on San Diego fairy shrimp and western spadefoot (*Spea hammondii*), ephemeral basins, which were primarily seasonally ponding features such as road ruts and road ponds, were identified by an aquatic resource and fairy shrimp specialist. Prior to any ground disturbing work on site, mapped ephemeral basins will be reevaluated using the finalized spatial extents of trails and all work areas. Vernal pools resources will be differentiated from all other ephemeral basins (e.g., unvegetated road ruts and road ponds) in a refined jurisdictional delineation, and the potential for impacts will be re-evaluated using the finalized design and alignments.

   In creation of the final extents of trails and work areas, to avoid direct impacts on San Diego fairy shrimp to the maximum extent practicable, road and trail improvements and creation will avoid existing ephemeral basins that are known to support or could potentially support San Diego fairy shrimp by moving the alignment prior to construction, as needed. Final trail alignments and access routes will avoid impacts to the quantity and long-term quality of water flow to the vernal pools supporting listed fairy shrimp. Construction access routes will also be rerouted within the proposed grading footprint to avoid these ponding features to the maximum extent practicable.

   During construction and restoration activities, occupied and potentially occupied habitat for San Diego fairy shrimp will be avoided during the wet season to the maximum extent practicable. Prior to ground disturbance, occupied and potentially occupied fairy shrimp habitats will be temporarily fenced and avoided during construction activities to the maximum extent practicable. No staging of any equipment will be allowed within vernal pools, road ruts, or other ephemeral basins occupied by or potentially occupied by San Diego fairy shrimp at

any time. A biological monitor will be present during construction activities occurring adjacent to vernal pools and occupied or potentially occupied habitats, and will ensure that vehicles are fueled and maintained at least 100 feet away from such pools. In addition, where appropriate, the adjacent upland areas surrounding road ruts, vernal pools, and other ephemeral basins will be restored with native species. Wood split-rail fencing, boulders, and signage will be used to inform the public of the sensitivity of the area and deter them from trespassing into the ponded areas and into the river restoration areas. Though the majority of grading will occur within the Otay River floodplain, some grading and staging of equipment will occur in upland areas outside of the floodplain. Grading activities will include vernal pool establishment and enhancement activities, as described in the *Otay Trails and Mitigation Bank Expansion Project Biological Resources Report 2020 Update (*ICF 2021a) at Section 1.3.3. In accordance with **Mitigation Measure BIO-1**, should any pools occupied by or potentially occupied by San Diego fairy shrimp be unable to be avoided in the final project design, the applicant will consult with the USFWS under Section 7 of FESA to seek concurrence that the proposed project is consistent with the City of Chula Vista's MSCP Subarea Plan and that incidental take authorization is provided for the proposed project under the City of Chula Vista's MSCP Subarea Plan. Mitigation of impacts on fairy shrimp will be addressed in the Section 7 consultation process either with onsite pool enhancement/habitat creation or additional avoidance through project redesign prior to construction. Mitigation of impacts on jurisdictional vernal pool habitats will also be mitigated for, as needed, to obtain CWA Section 401 and 404 permits from the RWQCB and USACE.

9. **Special-Status Plant, Quino Host Plant, and Succulent Plant Salvage Plan.** During grading and enhancement activities, special-status plants, Quino checkerspot host plants (e.g., dot-seed plantain), and succulent plants (i.e., target plant species) will be avoided where feasible. Prior to ground-disturbing work on site, special-status plant surveys will be conducted to locate target plant species within defined work limits to determine areas to be avoided. Salvage and relocation of target plant species will occur to the extent feasible in accordance with a Plant Salvage Plan. The Plant Salvage Plan will be prepared for the areas where temporary grading and habitat enhancement activities will occur, with an emphasis on collecting and relocating to adjacent areas the target plant species. The plan will be prepared and implemented prior to grading and enhancement activities. The Plant Salvage Plan will include a list of target plant species list, seed collection methods, succulent plant salvage techniques, transplanting methods, and applicable monitoring activities for transplanted individuals, as appropriate.

10. **Quino Checkerspot Butterfly Seasonal Avoidance.** Due to the presence of Quino checkerspot butterfly within the project area and known populations nearby, no removal of any host plant vegetation or any native vegetation within 50 feet of host plants will occur within the Quino flight season, defined by the USFWS 2014 protocol as the third week of February to the second Saturday in May. Biological monitors will stake locations of host plants for avoidance and will be present during vegetation removal activities within potentially suitable habitat for Quino located outside of the mapped host plant locations and 50foot buffer to ensure that construction activities do not result in harm to individual Quino checkerspot butterflies that may be foraging or nectaring in the area.

11. **Public Access, Trails, and Recreation.** To deter trespassing into the restoration site, wood split-rail fencing will be installed in select locations to designate road/trail corridors along existing roads and existing unofficial trails that border the restoration site. Other barriers

(boulders, brush piles, logs, and plantings) will be placed at strategic locations when protection of sensitive resources is required where fencing is not present. For safety purposes, reflective material will be placed on the wood fencing at specific locations to aid Border Patrol and other night-time users from unintentionally breaking through fencing into sensitive habitat. Additionally, signage and informational kiosks will be installed for educational purposes and to inform the public of the sensitivity of the restoration site and adjacent habitats. All installation activities (signage, fencing, kiosks) and reflective materials will occur outside of the breeding season defined as February 15–September 15 or be in accordance with **Mitigation Measure BIO-6** and require preconstruction surveys.

12. **Western Spadefoot Survey and Relocation Plan.** Prior to the start of any ground disturbance, construction, or site preparation activities, a qualified biologist will conduct pre-construction surveys for western spadefoot within all portions of the Project site containing suitable breeding habitat. Surveys shall be conducted beginning the first week of January or following the first one-inch or greater rain event and will be repeated as necessary to monitor their development. An estimate of the total larval population for each pond and total density for all impacted ponds will be recorded. A Western Spadefoot relocation plan will be developed and approved by the Wildlife Agencies prior to ground disturbance. The relocation plan will include:

    - Proposed suitable relocation sites outside the area of disturbance,
    - Proposed methods for relocation,
    - Proposed monitoring of relocation sites,
    - Proposed success criteria.

Cultural Resources

13. **Establishing Environmentally Sensitive Areas.**

    - To reduce potential impacts on archaeological resources, Environmentally Sensitive Areas ("ESAs") will be established in areas of artifact concentrations.

    - In order to avoid impacts on ESAs 1 through 4, only non-ground-disturbing methods of seeding and herbicide control of nonnative species will be used.

    - Cultural resources monitoring will not be required for seeding and herbicide control of nonnative species.

14. **Archaeological Monitoring.** To reduce potential impacts on archaeological resources, a qualified archaeologist will monitor initial ground-disturbing activities within Monitoring Areas (MAs) in order to minimize disturbance of archaeological deposits. Specifically, the following measures will be implemented to reduce impacts:
Prior to start of construction, a monitoring and treatment plan will be prepared that describes the nature of the archaeological monitoring work, procedures to follow in the event of an unanticipated discovery, and reporting requirements. The plan will include confidential maps of ESAs and Mas. The plan will be submitted for review to the City of Chula Vista.

- All monitoring will be conducted by individuals with experience monitoring for archaeological resources in Southern California. All monitors will be under the supervision and direction of a qualified archaeologist(s) who meets the Secretary of the Interior's Professional Qualifications Standards, as promulgated in Code of Federal Regulations (CFR), Title 36, Section 61.

- Monitoring of initial ground disturbance will occur within MAs 1 through 8.

- The following activities will require the presence of an archaeological monitor when they occur within MAs 1 through 8:

- Manual weed pulling, fence installation, mechanical work that includes ground disturbance, and other ground-disturbing activities necessary for the implementation of the project.

- If intact subsurface deposits are identified during construction, the archaeologist will be empowered to divert construction activities away from the find and will be given sufficient time and compensation to investigate the find and determine its significance. No soil will be exported off site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

- Recovered items will be treated in accordance with current professional standards by being properly provenienced, cleaned, analyzed, researched, reported, and curated in a collection facility meeting the Secretary of the Interior's Standards, as promulgated in 36 CFR 79, such as the San Diego Archaeological Center. The costs for curation will be included in the budget for recovery of the archaeological remains.

- A final cultural resources report will be produced and provided to the City of Chula Vista, which will discuss the monitoring program and its results and will provide interpretations of any recovered cultural materials.

The qualified archaeologist will have the discretion to increase or decrease the level of monitoring based on profession judgment and field conditions.

15. **Native American Monitoring.** A Kumeyaay tribal monitor will be retained to conduct Native American monitoring for MAs and activities identified in **Mitigation Measure CUL-2** and when an archaeological monitor is present.

    - Attendance by Native American monitors during ground-disturbing activities is at the discretion of the tribe, and the absence of a Native American monitor, should the tribe choose to forgo monitoring for some reason, will not delay work.

    - Interpretation of a find will be requested from Native American monitors involved with the discovery, evaluation, or data recovery of unanticipated finds for inclusion in the final cultural resources report.

Hazards and Hazardous Materials

16. **Sampling and Screening Level Risk Assessment ("SLRA")/Screening Level Ecological Risk Assessment ("SLERA") Studies for Onsite Surface Water and Sediment and Water/Sediment Remediation (if necessary).** Prior to construction activities associated with the project, the need for surface water and sediment sampling will be evaluated by an environmental consultant with experience in proper sample handling procedures in coordination with DTSC. If needed samples will be collected from portions of the site where the project site overlaps with the Brown Field Bombing Range Formerly Used Defense Site, the number and location of which will be determined by a qualified environmental professional with experience in screening level risk assessments. Should results indicate the presence of contamination levels that would pose a risk to human health or ecological health, the project proponent (in consultation with the City) will coordinate the Department of Toxic Substances Control regarding avoidance or remediation of affected water and soils in compliance with applicable federal, state, and local laws prior to any project-specific construction grading activities occurring. If the condition at the site requires it, the project proponent will not proceed with construction activities until approval is provided by the lead hazardous materials agency. Should the results indicate that no serious risk is present, project-related construction activities may proceed, pending compliance with any other applicable mitigation as well as coordination with DTSC. A summary report of all coordination, analysis, results, and project actions will be provided to the agencies for inclusion in the documentation record.

17. **Surface Clearance Prior to Construction.** Prior to initiating project activities, a surface clearance will be conducted where project elements intersect with the Brown Field Bombing Range Formerly Used Defense Site boundary. The surface clearance would be employed to identify all munitions and explosives of concern ("MEC") and munitions debris ("MD") in the project site. A qualified survey company with experience in unearthed unexploded ordnances ("UXO") will be retained to sweep the area for metallic items including those that may be obscured by vegetation or surface debris, and MD will be evaluated to determine if any explosive residue remains. If it is determined that there is the potential for an explosive hazard, the City of Chula Vista and County of San Diego will be contacted to respond to the item and dispose of it appropriately. Upon identifying an explosive hazard, the survey company will establish an exclusion zone around the material. The exclusion zone radius will depend on the type of material identified and will be expanded, if needed, while material is being worked on or if setting a charge to explode the material in place. If setting a charge, all personnel will be required to evacuate the area. All personnel will be required to remain out of the exclusion zone until the responders provide clearance. All MD determined to no longer contain explosive residue will be inspected by qualified personnel and containerized in lockable 55-gallon drums for later disposal by an approved recycler.

    During construction, the qualified survey company will supply a UXO-qualified technician to support the project. The technicians will use magnetometers to detect the presence of MEC in disturbed soil. If no MEC items are identified, excavations will be advanced to desired depth. If MEC are detected during excavation/grading, these activities will stop immediately, and the survey company technician(s) will contact the City of Chula Vista and County of San Diego for disposal of the material. The technician(s) will remain on site during disposal response actions to provide site safety and security and for technical consultation with emergency responders.

Land Use and Planning

18. **Trail Improvements Consistent with Applicable City of Chula Vista Greenbelt Master Plan and Otay Valley Regional Park Trail Guidelines.** All applicable trail guidelines from the City of Chula Vista's Greenbelt Master Plan and Otay Regional Park Trail Guidelines shall be shown on all applicable grading plans as details, notes, or as otherwise appropriate. All proposed designs for signage and fencing will be submitted to the City to verify consistency with the above mentioned guidelines. Finally, installation of all trail-related improvements will be subject to inspection by the City to confirm the improvements were constructed in accordance with the approved designs.

Tribal Cultural Resources

19. **Protection of Resources.** In the event that a tribal cultural resource is unexpectedly identified during the course of implementation of the proposed project, and the City of Chula Vista determines that the proposed project may cause a substantial adverse change to a tribal cultural resource, the City of Chula Vista will work with the consulting tribe(s) to employ one or more of the following standard mitigation measures.

    1. Avoidance and preservation of the resources in place including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

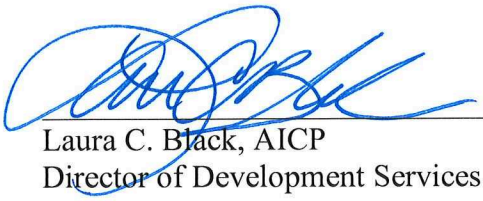
    2. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

        - Protecting the cultural character and integrity of the resource
        - Protecting the traditional use of the resource
        - Protecting the confidentiality of the resource
        - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

    3. Protecting the resource

    The City of Chula Vista (City) has administratively approved the project herein identified will have no significant unmitigated environmental impacts in compliance with Section 15070 of State CEQA Guidelines. A copy of the approved Mitigated Negative Declaration (MND) and Mitigation Measure and Monitoring and Reporting Program (MMRP) are on file in the Chula Vista Development Services Department, 276 Fourth Avenue, Chula Vista, CA 91910. The approved MND and MMRP are available for review electronically at:https://www.chulavistaca.gov/departments/development-services/planning/public notices/notices-of-decision.

Administratively approved by the Director of Development Services of the City of Chula Vista, California, on May 1, 2024.



Laura C. Black, AICP
Director of Development Services

EXHIBIT 1

Mitigation Monitoring and Reporting Program

OTAY TRAILS & MITIGATION BANK EXPANSION PROJECT

STATE CLEARINGHOUSE NO. 2022040069

MITIGATION MONITORING AND REPORTING PROGRAM

June 2023

Purpose

The City of Chula Vista would adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Otay River Trails and Mitigation Bank Expansion Project complies with all applicable environmental mitigation requirements identified in the Final Mitigated Negative Declaration (MND) for the proposed project. The mitigation measures for the project would be adopted by the City of Chula Vista, in conjunction with the adoption of the Final MND. The mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring the mitigation measures in compliance with the MND, and general guidelines for the use and implementation of the monitoring program are described below. Within this document, the approved mitigation measures are organized and referenced by subject category. The specific mitigation measures are identified, as well as the method and timing of verification and the responsible party that would ensure that each action is implemented.

The mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action.

PRC Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The City of Chula Vista is the designated Lead Agency for the MMRP. The City of Chula Vista is responsible for review of all monitoring reports, enforcement actions, and document disposition. The City of Chula Vista would rely on information provided by the monitor as accurate and up to date and would field check mitigation measure status as required.

Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, approval mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

Mitigation Language and Numbering

This MMRP provides the language of the mitigation measure in its entirety.

Mitigation Timing

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

Methods for Monitoring and Reporting

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts. As the project proponent, the County of San Diego DPR is responsible for implementation of all mitigation measures.

Responsible Parties

For each mitigation measure, the party responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure is identified.

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
V. Biological Resources				
MM-BIO-01: Obtain Approval of All Necessary Resource Agency Permits. Prior to the issuance of a grading permit, the applicant will obtain all necessary resource agency permits and provide copies to the City. All conditions identified within each of the resource agency permits will be implemented in accordance with the permit. The applicable resource agency permits for the proposed project include a Clean Water Act (CWA) Section 404 Permit from the USACE, a CWA Section 401 Water Quality Certification from the RWQCB, a CWA Section 402 National Pollutant Discharge Elimination System Construction General Permit (Order No. 2012-0006-DWQ) from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW. In addition to the agency permits, a conservation easement or other approved site protection mechanism and endowment would be established per the USACE and Environmental Protection Agency Compensatory Mitigation Rule. The applicant will also enter into consultation with the USFWS under Section 7 of the Federal Endangered Species Act (FESA) to seek concurrence that the proposed project is consistent with the City of Chula Vista's MSCP Subarea Plan and that incidental take authorization is provided for the proposed project under the City of Chula Vista's MSCP Subarea Plan	Prior to vegetation clearing, grading and during construction	Adhere to USFWS conservation measures	Homefed	City of Chula Vista
MM-BIO-02: Biological Awareness Training. Prior to initiation of grading activities and every 2 months through implementation, biological resource awareness training will be provided by a qualified biologist to all construction personnel. The training will include information regarding sensitive species with the potential to occur at the site as well as minimization and avoidance measures to reduce potential indirect effects on the habitat. A log of personnel who have completed the training and a copy of the training report/outline (including special-status species photos, targeted invasive plant species, and descriptions of the measures discussed in the training session) will be maintained at the construction office.	Prior to vegetation clearing, grading and during construction	Conduct biological awareness training prior to construction	Qualified biologist provided by the Homefed	City of Chula Vista
MM-BIO-03: Temporary Fencing. Prior to the initiation of grading activities, sensitive resources, as identified by the designated biologist, will be clearly marked by well-installed temporary fencing	Prior to vegetation clearing, grading	Ensure grading activities only occurs within	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
that is prominently colored. The fence will be installed by the construction contractor and will be maintained and remain in place during all grading activities. In addition, the construction contractor is required to use machinery equipped with GPS systems programmed with the limits of grading, sensitive resources, and any other avoidance areas. The avoidance data will be provided to the contractor to ensure accuracy and will be verified in the field by the designated biologist.	and during construction	proper fenced area		
MM-BIO-04: Biological Monitoring. A qualified biological monitor will be on site during vegetation clearing activities to ensure that grading activities occur within designated areas. The monitor will also ensure that any special-status species that becomes entrapped within the grading limits is moved away from construction equipment. The biological monitor will also periodically inspect the limits of disturbance fence to ensure that it is in good condition. Any parts of the fence that need attention will be brought to the contractor's attention to be fixed immediately. In the event that a special-status species is located within the grading limits, the biological monitor will temporarily stop construction. Removal of special-status species should be done by a biologist qualified to handle that specific species. If needed, CDFW and USFWS will be informally consulted if there is a question on the best manner to safely address a situation with a special-status wildlife species.	During vegetation clearing, grading and construction	Conduct biological monitoring during construction	Homefed	City of Chula Vista
MM-BIO-5: Best Management Practices (BMPs). BMPs will be implemented during all grading activities to reduce potential indirect effects on special-status species and habitat. BMPs will include the following: • All trash will be properly stored and removed from the site daily to prevent attracting wildlife to the construction area. • Vehicles and equipment will be stored only on pre-designated staging areas in disturbed or developed areas. Fueling should be conducted in a manner that prevents spillage of fuel into the Otay River or into riparian or wetland habitats.	During vegetation clearing, grading and construction	Implement BMPs	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
• All maintenance of vehicles and equipment will be conducted in a manner so that oils and other hazardous materials will not discharge into the Otay River, or into riparian habitat areas (including Freshwater and Freshwater Marsh). • Dust control measures will be implemented to minimize the settling of dust on vegetation. • Appropriate firefighting equipment (e.g., extinguishers, shovels, water tankers) will be available on the site during all phases of proposed project construction, and appropriate fire prevention measures will be taken to help minimize the chance of human-caused wildfires. • All construction will be performed between dawn and dusk to the degree feasible to minimize potential indirect effects (e.g., increased depredation) on the species beyond the limits of disturbance.				
MM-BIO-6: Nesting Bird Avoidance. To avoid any direct impacts on nesting coastal California gnatcatchers, least Bell's vireo, burrowing owl, raptors, or other birds protected under the Migratory Bird Treaty Act (MBTA), removal of any vegetation that may support active nests within the project area will occur outside of the breeding season when feasible. The breeding season is defined as February 15–September 15. If vegetation removal must be conducted during the breeding season a qualified biologist will conduct nesting bird surveys within the work area and a 250-foot buffer in order to clear the area or locate active nests for monitoring and avoidance. Adequate avoidance buffers would be established around any active nests in coordination with the wildlife agencies. Following vegetation removal, biological monitors will regularly monitor the perimeter of the work area for nests in the remaining vegetation and will work with the contractor to avoid any disturbance associated with construction activities.	Prior to vegetation clearing, grading and during construction	Conduct biological monitoring during construction	Qualified biologist provided by Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
MM-BIO-07: Preconstruction Burrowing Owl Survey. A biologist will conduct preconstruction take-avoidance surveys for burrowing owls within 150 meters of project areas in suitable habitat no more than 14 days prior to ground-disturbing activities according to methods outlined in the CDFW's 2012 (or most recent) *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Surveys will provide data on whether burrowing owls occupy the site and, if so, whether the owls are actively nesting. If preconstruction take-avoidance surveys detect the presence of any active burrowing owl burrows during breeding season, the burrows will be avoided, and construction activities within 150 meters will be enclosed by construction fencing. Buffer sizes are outlined in CDFW's *Staff Report on Burrowing Owl Mitigation*. Active burrowing owl burrows will be monitored regularly to ensure no adverse effects on the burrowing owls are occurring. Avoidance buffers will remain in place until the nest fledges or fails. If, in consultation with the CDFW, it is determined that project activities require removal of occupied burrows, or burrows potentially occupied by burrowing owls, eviction and burrow closure may be required to ensure against "take" of owl or nests. If eviction is required, it will occur only after consulting with CDFW and CDFW approval. Monitoring will be conducted to ensure take is avoided during eviction procedures. Owls may not be evicted or captured without prior authorization from the CDFW.	Prior to vegetation clearing, grading and during construction	Conduct pre-construction biological monitoring for sensitive species	Qualified biologist provided by Homefed	City of Chula Vista
MM-BIO-8: Vernal Pool and Vernal Pool–Dependent Species Avoidance. The trails alignment described in this report is planned to be further refined in order to avoid all permanent impacts on federally listed branchiopods. To avoid potential fairy shrimp habitat areas and potential impacts on San Diego fairy shrimp and western spadefoot (*Spea hammondii*), ephemeral basins, which were primarily seasonally ponding features such as road ruts and road ponds, were identified by an aquatic resource and fairy shrimp specialist. Prior to any ground disturbing work on site, mapped ephemeral basins will be reevaluated using the finalized spatial extents of trails and all work areas. Vernal pools resources will be differentiated from all other ephemeral basins (e.g., unvegetated road ruts and road ponds) in a	Prior and during vegetation clearing, grading and construction	Implement vernal pool and vernal pool-dependent specifies avoidance protocols	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
refined jurisdictional delineation, and the potential for impacts will be re-evaluated using the finalized design and alignments. In creation of the final extents of trails and work areas, to avoid direct impacts on San Diego fairy shrimp to the maximum extent practicable, road and trail improvements and creation will avoid existing ephemeral basins that are known to support or could potentially support San Diego fairy shrimp by moving the alignment prior to construction, as needed. Final trail alignments and access routes will avoid impacts to the quantity and long-term quality of water flow to the vernal pools supporting listed fairy shrimp. Construction access routes will also be rerouted within the proposed grading footprint to avoid these ponding features to the maximum extent practicable. During construction and restoration activities, occupied and potentially occupied habitat for San Diego fairy shrimp will be avoided during the wet season to the maximum extent practicable. Prior to ground disturbance, occupied and potentially occupied fairy shrimp habitats will be temporarily fenced and avoided during construction activities to the maximum extent practicable. No staging of any equipment will be allowed within vernal pools, road ruts, or other ephemeral basins occupied by or potentially occupied by San Diego fairy shrimp at any time. A biological monitor will be present during construction activities occurring adjacent to vernal pools and occupied or potentially occupied habitats, and will ensure that vehicles are fueled and maintained at least 100 feet away from such pools. In addition, where appropriate, the adjacent upland areas surrounding road ruts, vernal pools, and other ephemeral basins will be restored with native species. Wood split-rail fencing, boulders, and signage will be used to inform the public of the sensitivity of the area and deter them from trespassing into the ponded areas and into the river restoration areas. Though the majority of grading will occur within the Otay River floodplain, some grading and staging of equipment will occur in upland areas outside of the floodplain. Grading activities will include vernal pool establishment and enhancement activities, as described in the *Otay Trails and Mitigation Bank Expansion Project Biological Resources Report 2020 Update* (ICF				

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
2021a) at Section 1.3.3. In accordance with **Mitigation Measure BIO-1**, should any pools occupied by or potentially occupied by San Diego fairy shrimp be unable to be avoided in the final project design, the applicant will consult with the USFWS under Section 7 of FESA to seek concurrence that the proposed project is consistent with the City of Chula Vista's MSCP Subarea Plan and that incidental take authorization is provided for the proposed project under the City of Chula Vista's MSCP Subarea Plan. Mitigation of impacts on fairy shrimp will be addressed in the Section 7 consultation process either with onsite pool enhancement/habitat creation or additional avoidance through project redesign prior to construction. Mitigation of impacts on jurisdictional vernal pool habitats will be also be mitigated for, as needed, to obtain CWA Section 401 and 404 permits from the RWQCB and USACE.				
MM-BIO-9: Special-Status Plant, Quino Host Plant, and Succulent Plant Salvage Plan. During grading and enhancement activities, special-status plants, Quino checkerspot host plants (e.g., dot-seed plantain), and succulent plants (i.e., target plant species) will be avoided where feasible. Prior to ground-disturbing work on site, special-status plant surveys will be conducted to locate target plant species within defined work limits to determine areas to be avoided. Salvage and relocation of target plant species will occur to the extent feasible in accordance with a Plant Salvage Plan. The Plant Salvage Plan will be prepared for the areas where temporary grading and habitat enhancement activities will occur, with an emphasis on collecting and relocating to adjacent areas the target plant species. The plan will be prepared and implemented prior to grading and enhancement activities. The Plant Salvage Plan will include a list of target plant species list, seed collection methods, succulent plant salvage techniques, transplanting methods, and applicable monitoring activities for transplanted individuals, as appropriate.	During vegetation clearing, grading and construction	Implement Plant Salvage Plan	Homefed	City of Chula Vista
MM-BIO-10: Quino Checkerspot Butterfly Seasonal Avoidance. Due to the presence of Quino checkerspot butterfly within the project area and known populations nearby, no removal of any host plant	Prior to vegetation clearing, grading and construction	Biological monitor will establish 50-foot buffer on host plant locations for	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
vegetation or any native vegetation within 50 feet of host plants will occur within the Quino flight season, defined by the USFWS 2014 protocol as the third week of February to the second Saturday in May. Biological monitors will stake locations of host plants for avoidance and will be present during vegetation removal activities within potentially suitable habitat for Quino located outside of the mapped host plant locations and 50foot buffer to ensure that construction activities do not result in harm to individual Quino checkerspot butterflies that may be foraging or nectaring in the area.		Quino Checkerspot Butterfly		
MM-BIO-11: Public Access, Trails, and Recreation. To deter trespassing into the restoration site, wood split-rail fencing will be installed in select locations to designate road/trail corridors along existing roads and existing unofficial trails that border the restoration site. Other barriers (boulders, brush piles, logs, and plantings) will be placed at strategic locations when protection of sensitive resources is required where fencing is not present. For safety purposes, reflective material will be placed on the wood fencing at specific locations to aid Border Patrol and other night-time users from unintentionally breaking through fencing into sensitive habitat. Additionally, signage and informational kiosks will be installed for educational purposes and to inform the public of the sensitivity of the restoration site and adjacent habitats. All installation activities (signage, fencing, kiosks) and reflective materials will occur outside of the breeding season defined as February 15–September 15 or be in accordance with **Mitigation Measure BIO-6** and require preconstruction surveys.	During vegetation clearing, grading and construction	Implement installation of fencing, boulders, and signage to deter trespassing	Homefed	City of Chula Vista
MM- BIO-12: Western Spadefoot Survey and Relocation Plan. Prior to the start of any ground disturbance, construction, or site preparation activities, a qualified biologist will conduct pre-construction surveys for western spadefoot within all portions of the Project site containing suitable breeding habitat. Surveys shall be conducted beginning the first week of January or following the first one-inch or greater rain event and will be repeated as necessary to monitor their development. An estimate of the total larval population	Prior to vegetation clearing, grading and construction	Implement western spadefoot survey and replaction plan	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
for each pond and total density for all impacted ponds will be recorded. A Western Spadefoot relocation plan will be developed and approved by the Wildlife Agencies prior to ground disturbance. The relocation plan will include: • Proposed suitable relocation sites outside the area of disturbance, • Proposed methods for relocation, • Proposed monitoring of relocation sites, • Proposed success criteria.				
VI. Cultural Resources				
MM-CUL-1: Establishing Environmentally Sensitive Areas. • To reduce potential impacts on archaeological resources, Environmentally Sensitive Areas (ESAs) will be established in areas of artifact concentrations. • In order to avoid impacts on ESAs 1 through 4, only non-ground-disturbing methods of seeding and herbicide control of nonnative species will be used. • Cultural resources monitoring will not be required for seeding and herbicide control of nonnative species.	Prior to ground disturbing activities	Establish ESAs and conduct only non-ground disturbing methods of seeding and herbicide	Qualified archaeologist provided by Homefed	City of Chula Vista
MM-CUL-2: Archaeological Monitoring. To reduce potential impacts on archaeological resources, a qualified archaeologist will monitor initial ground-disturbing activities within Monitoring Areas (MAs) in order to minimize disturbance of archaeological deposits. Specifically, the following measures will be implemented to reduce impacts: Prior to start of construction, a monitoring and treatment plan will be prepared that describes the nature of the archaeological monitoring work, procedures to follow in the event of an unanticipated discovery, and reporting requirements. The plan will include confidential maps of ESAs and Mas. The plan will be submitted for review to the City of Chula Vista.	During ground disturbing activities	Conduct archaeological monitoring during construction, and prepare Cultural Resources Monitoring Report	Qualified archaeologist provided by Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
• All monitoring will be conducted by individuals with experience monitoring for archaeological resources in Southern California. All monitors will be under the supervision and direction of a qualified archaeologist(s) who meets the Secretary of the Interior's Professional Qualifications Standards, as promulgated in Code of Federal Regulations (CFR), Title 36, Section 61. • Monitoring of initial ground disturbance will occur within MAs 1 through 8. • The following activities will require the presence of an archaeological monitor when they occur within MAs 1 through 8: • Manual weed pulling, fence installation, mechanical work that includes ground disturbance, and other ground-disturbing activities necessary for the implementation of the project. • If intact subsurface deposits are identified during construction, the archaeologist will be empowered to divert construction activities away from the find and will be given sufficient time and compensation to investigate the find and determine its significance. No soil will be exported off site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered. • Recovered items will be treated in accordance with current professional standards by being properly provenienced, cleaned, analyzed, researched, reported, and curated in a collection facility meeting the Secretary of the Interior's Standards, as promulgated in 36 CFR 79, such as the San Diego Archaeological Center. The costs for curation will be included in the budget for recovery of the archaeological remains.				

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
• A final cultural resources report will be produced and provided to the City of Chula Vista, which will discuss the monitoring program and its results and will provide interpretations of any recovered cultural materials. The qualified archaeologist will have the discretion to increase or decrease the level of monitoring based on profession judgment and field conditions.				
MM-CUL-3: Native American Monitoring. A Kumeyaay tribal monitor will be retained to conduct Native American monitoring for MAs and activities identified in **Mitigation Measure CUL-2** and when an archaeological monitor is present. • Attendance by Native American monitors during ground-disturbing activities is at the discretion of the tribe, and the absence of a Native American monitor, should the tribe choose to forgo monitoring for some reason, will not delay work. • Interpretation of a find will be requested from Native American monitors involved with the discovery, evaluation, or data recovery of unanticipated finds for inclusion in the final cultural resources report.	During ground-disturbing activities	Conduct Native American monitoring	Qualified Kumeyaay tribal monitor	City of Chula Vista
VIX. Hazards and Hazardous Materials				
MM-HAZ-01: Sampling and Screening Level Risk Assessment (SLRA)/Screening Level Ecological Risk Assessment (SLERA) Studies for Onsite Surface Water and Sediment and Water/Sediment Remediation (if necessary). Prior to construction activities associated with the project, the need for surface water and sediment sampling will be evaluated by an environmental consultant with experience in proper sample handling procedures in coordination with DTSC. If needed samples will be collected from portions of the site where the project site overlaps with the Brown Field Bombing Range Formerly Used Defense Site, the number and location of which will be determined by a qualified environmental professional with experience in screening level risk assessments. Should results indicate the presence of contamination levels that would pose a risk to human	Prior to issuance of grading permit	Comply with Recommendations in Geotechnical Evaluation	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
health or ecological health, the project proponent (in consultation with the City) will coordinate the Department of Toxic Substances Control regarding avoidance or remediation of affected water and soils in compliance with applicable federal, state, and local laws prior to any project-specific construction grading activities occurring. If the condition at the site requires it, the project proponent will not proceed with construction activities until approval is provided by the lead hazardous materials agency. Should the results indicate that no serious risk is present, project-related construction activities may proceed, pending compliance with any other applicable mitigation as well as coordination with DTSC. A summary report of all coordination, analysis, results, and project actions will be provided to the agencies for inclusion in the documentation record.				
MM-HAZ-02: Surface Clearance Prior to Construction. Prior to initiating project activities, a surface clearance will be conducted where project elements intersect with the Brown Field Bombing Range Formerly Used Defense Site boundary. The surface clearance would be employed to identify all munitions and explosives of concern (MEC) and munitions debris (MD) in the project site. A qualified survey company with experience in unearthed unexploded ordnances (UXO) will be retained to sweep the area for metallic items including those that may be obscured by vegetation or surface debris, and MD will be evaluated to determine if any explosive residue remains. If it is determined that there is the potential for an explosive hazard, the City of Chula Vista and County of San Diego will be contacted to respond to the item and dispose of it appropriately. Upon identifying an explosive hazard, the survey company will establish an exclusion zone around the material. The exclusion zone radius will depend on the type of material identified and will be expanded, if needed, while material is being worked on or if setting a charge to explode the material in place. If setting a charge, all personnel will be required to evacuate the area. All personnel will be required to remain out of the exclusion zone until the responders provide clearance. All MD determined to no longer contain explosive	Prior to construction activities	Implement surface clearance prior to construction	Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
residue will be inspected by qualified personnel and containerized in lockable 55-gallon drums for later disposal by an approved recycler. During construction, the qualified survey company will supply a UXO-qualified technician to support the project. The technicians will use magnetometers to detect the presence of MEC in disturbed soil. If no MEC items are identified, excavations will be advanced to desired depth. If MEC are detected during excavation/grading, these activities will stop immediately and the survey company technician(s) will contact the City of Chula Vista and County of San Diego for disposal of the material. The technician(s) will remain on site during disposal response actions to provide site safety and security and for technical consultation with emergency responders.				
XI. Land Use and Planning				
MM-LU-01: Trail Improvements Consistent with Applicable City of Chula Vista Greenbelt Master Plan and Otay Valley Regional Park Trail Guidelines. All applicable trail guidelines from the City of Chula Vista's Greenbelt Master Plan and Otay Regional Park Trail Guidelines shall be shown on all applicable grading plans as details, notes, or as otherwise appropriate. All proposed designs for signage and fencing will be submitted to the City to verify consistency with the above mentioned guidelines. Finally, installation of all trail-related improvements will be subject to inspection by the City to confirm the improvements were constructed in accordance with the approved designs.	Throughout construction	Follow City of Chula Vista Greenbelt Master Plan and Otay Valley Regional Park Trail Guidelines	Homefed	City of Chula Vista
XVIII. Tribal Cultural Resources				
MM-TCR-01: Protection of Resources. In the event that a tribal cultural resource is unexpectedly identified during the course of implementation of the proposed project, and the City of Chula Vista determines that the proposed project may cause a substantial adverse change to a tribal cultural resource, the City of Chula Vista will work with the consulting tribe(s) to employ one or more of the following standard mitigation measures.	During all ground disturbance activities	Conduct tribal monitoring during ground disturbance activities	Qualified tribal member provided by Homefed	City of Chula Vista

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
1. Avoidance and preservation of the resources in place including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. 2. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: i. Protecting the cultural character and integrity of the resource ii. Protecting the traditional use of the resource iii. Protecting the confidentiality of the resource iv. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places. **3.** Protecting the resource				