City of San Diego
Development Services

ENTITLEMENTS DIVISION
(619) 446-5460

FINAL
Mitigated Negative Declaration

Project Nos. 230815
SCH No. *2011071061*

SUBJECT: **TIJUANA RIVER PILOT AND SMUGGLER'S GULCH CHANNEL MAINTENANCE** COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) to permit previous emergency work and on-going maintenance of the Tijuana River Pilot and Smuggler's Gulch channels to restore storm water conveyance capacities to reduce the risk of flooding to the surrounding properties. Applicant: City of San Diego, Transportation and Storm Water Department, Storm Water Division.

The project primarily consists of maintenance dredging of the Pilot Channel and a portion of Smuggler's Gulch in the Tijuana River Valley. The Pilot Channel was initially constructed in 1993; Smuggler's Gulch, within the project site, is a historical agricultural ditch. Both channels had been inconsistently maintained since 1993 until emergency permits were issued to clear sediment and debris build-up resulting from heavy rains in 2009 and 2010. For purposes of the CDP/SDP application and to maintain clarity, the baseline for determining the extent of project impacts that have already occurred, as well as those that are anticipated under the project in the future, are the conditions of the site prior to the emergency dredging that occurred in 2009 (i.e., September 2009).

Although largely similar in location and extent, variations exist between the project areas originally constructed in 1993, inconsistently maintained between 1993 and 2009, dredged in 2009, maintained in 2010, and the area proposed for future ongoing maintenance. For purposes of this CDP/SDP application, the project includes all components implemented in 2009 and 2010, and those maintenance areas that would be implemented in the future on an as-needed basis. For the Pilot Channel, these components are substantially similar to the original project constructed in 1993 and occupy a smaller overall footprint than what was authorized and constructed in 1993. The maintenance project includes the annual excavation of approximately 10,000–30,000 cubic yards (cy) of materials (i.e., sediment and trash debris), occupying a total of 4.61 acres of jurisdictional waters, and includes the following project components which are further detailed below: (1) the Pilot Channel (including reconstruction of a failed portion of the channel bank and use of three equipment turnarounds), (2) Smuggler's Gulch (including maintenance of a gabion rock mattress and an access ramp), and (3) several designated access routes and two staging areas (B and D).

Pilot Channel: An existing channel (previously permitted and constructed in 1993) would be reconstructed and maintained through implementation of the project. The project would include clearing and/or dredging within a 23-foot-wide corridor centered on the channel (approximately 5 feet deep with a 15-foot-wide channel bottom). The portion of the Pilot Channel that is within the project 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, for a total of 5,400 linear feet (2.85 acres). Grading to reconstruct the channel banks with compacted soil material may occur as needed.

A section of the channel bank, immediately west of the Hollister Street Bridge, currently requires repair to prevent the backflow of drainage into the Northern Channel. This repair would occupy an additional approximately 40-foot by 200-foot area (0.18 acre). Grading to reconstruct the channel bank would require using on-site soil materials.

Three equipment turnarounds (extending beyond the 23-foot-wide Pilot Channel maintenance corridor an additional 25 feet in width for a length of approximately 30 feet along the channel; 0.05 acre) are sited immediately adjacent to the Pilot Channel and would be utilized during the Pilot Channel maintenance. Two of the turnarounds are located west of the Pilot Channel confluence with Smuggler's Gulch and were constructed in 2009; the third turnaround is located east of this confluence and has yet to be constructed. All three turnarounds are necessary for equipment movements within the confined channel work area. The turnarounds would remain at the same exact location in perpetuity of the project.

Smuggler's Gulch: Smuggler's Gulch channel is an existing historical agricultural channel with manufactured berms and a channel bottom that is mostly unvegetated or vegetated with only herbaceous species. The project includes maintenance of portions of the channel located immediately north of Monument Road spanning to the Disney Crossing and continuing north to the confluence with the Pilot Channel. These two sections of Smuggler's Gulch total approximately 3,040 linear feet. The dredging would be limited to a footprint approximately 20 feet wide and would consist of dry excavation only (~~1.40~~ 1.39 acre). Also incorporated with the Smuggler's Gulch component is the cleaning of existing culverts under Monument Road and at the Disney Crossing. No permanent structures would be built in the channel.

At the confluence of Smuggler's Gulch and the Pilot Channel, the City maintains an existing gabion structure (previously permitted and constructed in 1998) located where Smuggler's Gulch widens to meet the Pilot Channel, an area of approximately 5,000 square feet. Maintenance may consist of excavating around the gabion to expose the structure and replacing the gabion to stabilize the area. The structure may need to be replaced periodically due to deterioration.

Staging Areas and Access Routes: Two staging areas would be used throughout the project for equipment and material staging. Dredge/excavation spoils would be stored/transferred to and from established best management practice (BMP) areas within the staging areas. Manual and mechanical separation of the spoil material may also occur to sort sediment, vegetation, trash, and tires. Staging Area B is east of and adjacent to Smuggler's Gulch. There is a permanent earthen berm between this area and Smuggler's Gulch protecting it from flooding. Permanent gated access to the staging area is from Monument Road. This area was initially used in 2001 and has continued to be used during each maintenance event both by the City and County of San Diego. No excavation or grading would be necessary in this area. There are no direct biological resource impacts associated with Staging Area B (4.68 acres).

Staging Area D is located south of Monument Road, adjacent to the City's South Bay Water Reclamation Plant on the south and west. This area is not near enough to the channel maintenance areas to function as the single staging area for the project but 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. There are no direct biological resource impacts associated with Staging Area D (10.59 acres).

Two public roadways would be used during maintenance activities, Monument Road and Hollister Street. Monument Road is south of the site, spanning between two staging areas, and is used for hauling excavated materials from Staging Area B to Staging Area D. Hollister Street is located east of the site and was traveled for transit between Staging Area B to the off-road access route in the Tijuana River Valley Regional Park (TJRVRP). Throughout the project, there shall be no construction-related road closures and both roads would remain open during construction activities. No impacts to biological resources would occur through the use of the Monument Road and Hollister Street access routes.

Three off-road access routes would be used during construction. One route runs west from Hollister Street to the TJRVRP entrance and then runs south to the confluence of the Pilot Channel and Smuggler's Gulch. The portion of this access route that runs from the Pilot Channel north to the TJRVRP is subject to erosion and sediment/trash deposition during heavy storms and therefore may require excavation in order to be used by equipment.

The second off-road route runs parallel to Smuggler's Gulch north of Staging Area B and allows access into Smuggler's Gulch channel via an access ramp on the east bank, immediately downstream of the Disney Crossing. The access ramp was constructed in 2009 and is a maintained feature of the project that allows construction equipment access to the channels during dredging while avoiding having the majority of the construction access occurs north of the project site. This design feature was developed in 2009 per the direction of the U.S. Army Corps of Engineers (ACOE). This access ramp is approximately 15 feet wide by 75 feet long and was constructed using on-site earth materials (i.e., excavation and re-contouring of the existing bank of the Smuggler's Gulch) within an area of disturbed, non-native vegetation.

The third off-road route is parallel with Hollister Street to the east and allows access to the portion of the Pilot Channel east of the Hollister Street Bridge. The route is approximately 15 feet wide and is an existing dirt road except for an approximately 45-foot-long section on the south bank of the Pilot Channel where existing wetlands vegetation would be impacted to allow access to the area (0.02 acre). Throughout implementation of the project the dredged channels (i.e., Smuggler's Gulch and Pilot Channel) would be used for construction access and for hauling excavated materials.

The Tijuana River Pilot and Smuggler's Gulch channels are generally located between Hollister Street and Monument Road within the Tijuana River Valley Community planning area. The United States (U.S.)/Mexican Border is directly to the south; the Pacific Ocean, Tijuana River National Estuarine Research Reserve and the City of Imperial Beach are directly to the west; the Otay-Nestor Community Planning Area is located to the north; and the San Ysidro Community Planning Area is located east of the project site. The project area is zoned OF-1-1 (Open Space-Floodplain) and AR-1-1 (Agricultural/Residential) within the City's Coastal Overlay Zone and is designated for Open Space and Agricultural land uses as identified by the Tijuana River Valley Community Plan and Local Coastal Program. Both channels and Staging Area B are located within the City's Multiple Species Conservation Program's (MSCP)/Multi-Habitat Planning Area (MHPA) and the County of San Diego's Tijuana River Valley Regional Park. Staging Area B is located on City-owned property managed by the City's Transportation and Street's Division. Staging Area D is located on an undeveloped lot approximately ¼ mile east of the channel maintenance area on the City of San Diego's South Bay Water Reclamation Plant and is outside of the City's MHPA and the County's Regional Park.

The Pilot Channel and Smuggler's Gulch are located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and 100-year floodway. The Tijuana River enters the United States (U.S.) from the south in Mexico where the majority of the Tijuana River Watershed is located.

UPDATE 08/24/11:

Minor revisions have been made to the Final Mitigated Negative Declaration (MND) which are shown in a ~~strikeout~~ and <u>underlined</u> format in order to address comments received during public review. The additional information includes revisions to project acreage, results from the Greenhouse Gas Emissions Report and the inclusion of species specific mitigation measures for the light-footed clapper rail. In accordance with California Environmental Quality Act (CEQA) Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed projects could have a significant environmental effect in the following areas(s): **CULTURAL RESOURCES (ARCHAEOLOGY), LAND USE (MSCP/MHPA), BIOLOGICAL RESOURCES.** Subsequent revisions in the projects proposals create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The projects as revised now avoid or mitigate the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:
To ensure that site development would avoid significant environmental impacts, a mitigation monitoring and reporting program (MMRP) shall be required. Compliance with the MMRP is the responsibility of the applicant/permittee. The basis for the MMRP is found in the Initial Study. Mitigation measures are described below.

A. <u>GENERAL REQUIREMENTS – PART I</u>
Plan Check Phase (prior to permit issuance)

1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of the project(s) are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

   http://www.sandiego.gov/development-services/industry/standtemp.shtml

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. <u>GENERAL REQUIREMENTS – PART II</u>
<u>Post Plan Check (After permit issuance/Prior to start of construction)</u>

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

   Archaeological Consultants and Native American Monitor
   Biological Consultants/Monitor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:
a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division (858) 627-3200**
b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at (858)627-3360**

2. MMRP COMPLIANCE: This **Project, No. 230815** shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note:
Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

- ***U.S. Army Corps of Engineers (Corps) – Section 404 Permit***
- ***Regional Water Quality Control Board (RWQCB) – Section 401 Water Quality Certification and Section 402 National Pollutant Discharge Elimination System (NPDES) Permit***
- ***California Department of Fish and Game (CDFG) – Section 1605 Streambed Alteration Agreement***
- ***U.S. Fish and Wildlife Service (USFWS) – Section 7 Biological Opinion***

4. MONITORING EXHIBITS
All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

5. OTHER SUBMITTALS AND INSPECTIONS:
The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

Issue Area	***Document submittal***	***Assoc Inspection/Approvals/Notes***
General	*Consultant Qualification Letters*	*Prior to Pre-construction Meeting*
General	*Consultant Const. Monitoring Exhibits*	*Prior to or at Pre-Construction Mtg*
Archaeology	*Archaeology Reports*	*Archaeology site observation*
Biology	*Biology Monitoring Reports*	*Biology site observation*
Final MMRP	*Final monitoring reports*	*Final MMRP inspection*

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

This Project requires implementation of a Wetlands Mitigation Plan for Invasive Removal in accordance with the Conceptual Wetlands Mitigation and Monitoring Plan (August 2010) and Errata (~~July~~ August 2011) prepared by Dudek & Associates for the project.

I. Entitlements Plan Check

The applicant shall submit the following items to the City Prior to Permit Issuance or Bid Opening/Bid Award or any permits which affects on-site wetlands and/or uplands. Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager: Evidence of compliance with Sections 401 and 404 of the Federal Clean Water Act, and Section 1601/1603 of the State of California Fish & Game Code.

Environmental Designee shall verify that all Multi-Habitat Planning Area (MHPA) boundaries and limits of work have been delineated on all construction documents.

II. Prior to Permit Issuance or Bid Opening/Bid Award
The Applicant shall provide a Final Wetlands Mitigation and Monitoring Plan satisfactory to the City Manager which identifies methods and protocol for target invasive removal which mitigates for impacts to wetlands associated with prior dredging of the Pilot Channel and Smuggler's Gulch and future maintenance activities in the same areas. Mitigation must be found to be in conformance with the Conceptual Wetlands Mitigation and Monitoring Plan August 2010) and Errata (July 2011) prepared by Dudek & Associates for the project.

a. Mitigation Goal. The project shall mitigate for impacts to 9.22 acres of wetland impacts as identified in the technical plan through the removal of invasive target species.

b. Responsibilities. The Contractor shall be responsible for implementing the Conceptual Wetlands Mitigation Plan (CWMP) which requires the removal of the three following target invasive species: Arunbdo, Castor Bean and Tamarisk. Standard Best Management Practices shall be implemented to insure that sensitive biological resources would not be impacted during the invasive plant removal process.

c. Biological Monitoring Requirements. All biological monitoring in or adjacent to wetlands shall be conducted by a qualified wetland biologist. The biologist shall conduct construction monitoring during all phases of the project. Construction related activity shall be limited to the construction corridor areas as identified on the construction plans. Both a detailed Performance Criteria plan and all the maintenance requirements are found in the conceptual plan.

d. Notification of Completion: At the end of the fifth year, a final report shall be submitted to Mitigation Monitoring Coordination section evaluating the success of the mitigation. The report shall make a determination of whether the requirements of the mitigation plan have been achieved. If the final report indicates that the mitigation has been in part, or whole, unsuccessful, the Applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original mitigation program which were not successful. At such time, the Applicant must consult with the Development Services Department. The Applicant understands that agreed upon remedial measures may result in extensions to the long-term maintenance and monitoring.

General Bird Mitigation

a. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.

b. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit

(BCME) and monitoring results incorporated in to the final biological construction monitoring report.

c. If no nesting birds are detected per III.a. above, mitigation under III a. is not required.

III. Prior to Preconstruction meeting:

a. Prior to the first pre-construction meeting, the Applicant Department shall provide a letter of verification to the Mitigation Monitoring Coordination (MMC) Section stating that a qualified Biologist, as defined in the City of San Diego Biology Guidelines, has been retained to implement the project's Wetland Mitigation Plan and MSCP Monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project.

b. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as, but not limited to, wetland mitigation plans, plant relocation requirements and timing (if applicable), MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.

IV. Prior to the Start of Construction:

a. The qualified biologist (project biologist) shall attend the first preconstruction meeting and discuss the projects biological monitoring program. **Due to the nature of this maintenance project which includes an invasive plant removal program, staking and flagging will not be required.**

b. **MONITORING EXHIBITS** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc, marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

V. During Construction:

a. The Biological Monitor shall be present full-time during grading/excavation/trenching activities, which could result in impacts to biological resources as identified on the Biological Monitoring Exhibit.

b. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the RE to MMC the first day of monitoring, the last day of monitoring, monthly.

c. The Biological Monitor shall immediately notify MMC by phone of any unanticipated impacts outside the approved limits of work, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the impacts to biological resources in context, if possible.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC.

LAND USE (MHPA – LAND USE ADJACENCY GUIDELINES)

If future projects are located adjacent to the Multi-Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines shall be made conditions of project approval in order to reduce potential indirect impacts:

1. Prior to initiation of any construction-related activities within or adjacent to the MHPA, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor when applicable.

2. Prior to the commencement of any construction related activities adjacent to the MHPA, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing, grading or thinning of vegetation. The limits of grading shall be defined with silt fencing and/or flagging, and checked by the biological monitor before initiation of grading activities. If no construction activities would be in areas adjacent to the MHPA, then this measure would not be implemented.

3. Prior to the commencement of any construction related activities, the ADD/Environmental Designee shall review the grading plans to ensure that no invasive, non-native plant species are being introduced into areas adjacent to the MHPA.

4. Construction lighting located in areas adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.

5. No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA; No equipment maintenance shall be conducted within or near the adjacent to the MHPA.

6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, weed-free hay or straw bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all

development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.

7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading or permitted construction activities. All construction related debris shall be removed off-site to an approved disposal facility.

8. Prior to the commencement of any construction related activities adjacent to the MHPA, the ADD/Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the Coastal California gnatcatcher, Least Bell's vireo, light-footed clapper rail, and the southern Willow Flycatcher are shown on the grading plans as indicated below:

SPECIAL STATUS BIRD CONDITIONS
All maintenance activities shall be conducted outside established breeding seasons for the following special-status birds (i.e., September 15 through March 15, annually): coastal California gnatcatcher, Southwestern Willow flycatcher, least Bell's vireo and the light-footed clapper rail.

COASTAL CALIFORNIA GNATCATCHER (FEDERALLY THREATENED)
Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD/ENVIRONMENTAL DESIGNEE:

A. A QUALIFIED BIOLOGIST SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DB(A) HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE FOR A MINIMUM OF FOUR WEEKS (WITHIN THE BREEDING SEASON) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

   I. *BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED, FENCED OR FLAGGED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

   II. *BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 DB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 DB(A) 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 ADD OF LDR AT LEAST TWO 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; OR

III. *AT LEAST TWO 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 WILL NOT EXCEED 60 DB(A) 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 ATTENTUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 DB(A) 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).

* 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 DB(A) HOURLY AVERAGE OR TO THE AMBIENT NOISE LEVEL IF IT ALREADY EXCEEDS 60 DB(A) HOURLY AVERAGE. IF NOT, OTHER MEASURES SHALL BE IMPLEMENTED IN CONSULTATION WITH THE BIOLOGIST AND THE ADD ENVIRONMENTAL DESIGNEE, AS NECESSARY, TO REDUCE NOISE LEVELS TO BELOW 60 DB(A) HOURLY AVERAGE OR TO THE AMBIENT NOISE LEVEL IF IT ALREADY EXCEEDS 60 DB(A) HOURLY AVERAGE. SUCH MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, LIMITATIONS ON THE PLACEMENT OF CONSTRUCTION EQUIPMENT AND THE SIMULTANEOUS USE OF EQUIPMENT.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE INITIAL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ADD ENVIRONMENTAL DESIGNEE AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

C. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III 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.

LEAST BELL'S VIREO (STATE ENDANGERED/FEDERALLY ENDANGERED)

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD/ENVIRONMENTAL DESIGNEE:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(A)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [DB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THE THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 DB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 DB(A) 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 CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED, FENCED OR FLAGGED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

AT LEAST TWO 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 WILL NOT EXCEED 60 DB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. 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 DB(A) 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 DB(A) HOURLY AVERAGE OR TO THE AMBIENT NOISE LEVEL IF IT ALREADY EXCEEDS 60 DB(A) HOURLY AVERAGE. IF NOT, OTHER MEASURES SHALL BE IMPLEMENTED IN CONSULTATION WITH THE BIOLOGIST AND THE ADD/ENVIRONMENTAL DESIGNEE, AS NECESSARY, TO REDUCE NOISE LEVELS TO BELOW 60 DB(A) HOURLY AVERAGE OR TO THE AMBIENT NOISE LEVEL IF IT ALREADY EXCEEDS 60 DB(A) HOURLY AVERAGE. SUCH MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, LIMITATIONS ON THE PLACEMENT OF CONSTRUCTION EQUIPMENT AND THE SIMULTANEOUS USE OF EQUIPMENT.

B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ADD/ENVIRONMENTAL DESIGNEE AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

SOUTHWESTERN WILLOW FLYCATCHER (STATE AND FEDERALLY ENDANGERED)
Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the following project requirements regarding the southwestern willow flycatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MAY 1 AND SEPTEMBER 1, THE BREEDING SEASON OF THE SOUTHWESTERN WILLOW FLYCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE SOUTHWESTERN WILLOW FLYCATCHER. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF THE SOUTHWESTERN WILLOW FLYCATCHER IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MAY 1 AND SEPTEMBER 1, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MAY 1 AND SEPTEMBER 1, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) 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 CITY MANAGER AT LEAST TWO 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; OR

AT LEAST TWO 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 WILL NOT EXCEED 60 dB(A) HOURLY

AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE 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 NOISE LEVELS DO NOT EXCEED 60 dB(A) 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 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF SOUTHWESTERN WILLOW FLYCATCHER ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MAY 1 AND SEPTEMBER 1 AS FOLLOWS:

I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR SOUTHWESTERN WILLOW FLYCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LIGHT-FOOTED CLAPPER RAIL (STATE AND FEDERALLY ENDANGERED)
Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the following project requirements regarding the light-footed clapper rail are shown on the construction plans:

A) A qualified avian biologist (clapper rail biologist) with a valid 10(a)(1)(A) permit from the U.S. Fish and Wildlife Service (USFWS) will be responsible for overseeing compliance with protective measures for the light-footed clapper rail (*Rallus longirostris levipes*) and will be approved by the US Fish and Wildlife Service and U.S. Army Corps of Engineers (Corps) (collectively referred to as Agencies). The clapper rail biologist must be knowledgeable of clapper rail biology and ecology. The City will also staff a qualified biologist with knowledgeable of clapper rail biology and ecology (biologist) who will be responsible for overseeing compliance with protective measures and its designated critical habitat (project biologist).The City shall submit the clapper rail biologist's and project biologist's names,

address, telephone numbers, and work schedule on the project to the Agencies at least 30 days prior to initiating project impacts; a copy of which shall also be provided to MMC along with Agency approval of the qualified biologist.

B) Project activities shall be conducted between September 15 and March 15 to avoid the clapper rail and flycatcher nesting seasons.

C) The clapper rail and project biologist shall perform the following duties:

1) The clapper rail biologist shall be on site during all maintenance activities to ensure compliance with all conservation measures;

2) The clapper rail biologist shall conduct two preconstruction presence/absence surveys in cattail habitat, five days apart, with the last survey ending five to seven days before the start of work in accordance with USFWS Section 7 Biological Opinion conditions.

3) Surveys shall utilize vocalizations to elicit a vocalization response from any potentially present clapper rails.

4) The results of the survey shall be provided to the Agencies within 24 hours. The project biologist shall also perform a survey along the length of the channel in advance of any dredging/excavation in the Pilot Channel. The project biologist shall walk in advance of channel dredging/excavation equipment meandering across the 23-ft (7 m) wide channel. If light-footed clapper rails are detected during focused surveys or during daily pre-construction surveys, maintenance activities within that portion of the project shall halt and the qualified avian biologist shall immediately notify the USFWS and initiate a consultation between the agency and the City for further guidance and/or direction to avoid potential impacts to the clapper rail before any maintenance activities will be allowed to resume.

5) Immediately after the start of the construction survey, the clapper rail biologist shall install orange fencing across the channel and up the channel banks at the downstream edge of the surveyed area(s) to inhibit entry of clapper rails into the maintenance area(s) from downstream. Before each workday, the qualified biologist shall walk upstream to downstream to evaluate if clapper rails have entered the work area and immediately notify USFWS if clapper rails have been detected as noted above. The orange fence shall have two inch mesh openings and be three to five feet tall.

6) The project biologist shall be present during all channel dredging/excavation to direct work personnel, maintain the orange fence, enforce the limits of impact, and ensure that no harm to clapper rails occurs. The project biologist shall walk upstream to downstream on either side of the channel to evaluate if clapper rails have entered the project area. If a clapper rail is detected or the limits of impact are exceeded, the biological monitor shall stop work and contact the Agencies immediately. Work shall not resume until approved by the Agencies;

7) The project biologist shall train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training shall include: 1) the purpose for resource protection; 2) a description of the clapper rail and its habitat; 3) the conservation measures that should be implemented during project construction to avoid and/or minimize impacts to the clapper rail, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices; 5) the protocol to resolve conflicts that may arise at any time during the construction process; 6) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act;

8) The project biologist shall halt work, if necessary, for any project activities that are not in compliance with any conservation measures. The biologist shall report any non-compliance issues to the Agencies and MMC within 24 hours of its occurrence and confer with the Agencies to ensure the proper implementation of species and habitat protection measures;

9) The project biologist shall submit weekly compliance reports (including photographs of impact areas) to the Agencies and MMC to show that authorized impacts were not exceeded and general compliance with all conservation measures. The reports shall also outline the clapper rail survey results and show the area of channel dredging/excavation completed that week. A separate memo/report shall be prepared and submitted to the Agencies and MMC immediately if/when an impact occurs outside of the approved project limits; and

10) The project biologist shall submit a final report to the Agencies within 60 days of project completion that includes: as-built construction drawings with an overlay of areas that were impacted or preserved; a summary of the clapper rail survey results; and other relevant information documenting that authorized impacts were not exceeded and that general compliance with the conservation measures was achieved.

11) The project biologist shall submit a copy of the final report approved by USFWS to the City's MMC to document compliance with mitigation measures addressing the light-footed clapper rail.

HISTORICAL RESOURCES (ARCHAEOLOGY - MONITORING)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search
1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings
1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
   a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
   The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
   Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
   The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
   MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule
   After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching
   1. The Archaeological monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
   2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
   3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process
   1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
   2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
   3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
   4. **In the event that cultural or historical resources are discovered during implementation of the undertaking during Mitigation Monitoring, the City of San Diego may have additional Section 106 responsibilities under certain circumstances as set forth in 36 CFR Part 800 and will be required to consult further with the SHPO pursuant to 36 CFR §800.13(b).**

C. Determination of Significance
   1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
      a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
      b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
         (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."

c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
   (1). Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
   (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects
The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:
1. Procedures for documentation, curation and reporting
   a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
   b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
   c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
   d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification
1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
   a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
   b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
   c. To protect these sites, the landowner shall do one or more of the following:
      (1) Record the site with the NAHC;
      (2) Record an open space or conservation easement; or
      (3) Record a document with the County.
   d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
   a. No Discoveries
      In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
   b. Discoveries
      All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
   c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction
   1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
   2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report
   1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
      a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
      b. Recording Sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
   2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
   3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
   4. MMC shall provide written verification to the PI of the approved report.
   5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts
   1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
   2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification
   1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
   2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
   3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
   4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
   5. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no

further disturbance in accordance with Section IV – Discovery of Human Remains, subsection 5.(d).

D. Final Monitoring Report(s)
   1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
   2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

Federal Agencies
U.S. EPA (19)
U.S. Border Patrol (22)
U. S. Fish and Wildlife Service (23)
U. S. Army Corps of Engineers (26)

Military
Naval Facilities Engineering Command, SW Division, Environmental Planning (12)

State of California
Department of Fish and Game (32)
Toxic Substance Control (39)
Department of Parks and Recreation (40)
Water Resources (45)
State Clearinghouse (46A)
Coastal Conservancy
Tijuana River National Estuarine Reserve (229)

Agencies
Resources Agency (43)
Regional Water Quality Control Board, Region 9 (44)
California Environmental Protection Agency (37A)
Coastal Conservancy

Commissions/Boards
California Coastal Commission (47)
Native American Heritage Commission (56)
Water Resources Control Board (55)
Cal Recycle (35)
San Diego County
Department of Planning and Land Use (68)
Department of Parks and Recreation (69)
Department of Public Works (70/72)
Department of Environmental Health (75/76)
Air Pollution Control District (65)

City of San Diego
Office of the Mayor's (91)
Councilmember David Alvarez, District 8 (MS 10A)
Development Services Department
    Bill Tripp, Planning Review

Helene Deisher, Development Project Manager
Myra Herrmann, EAS
Julius Ocen-Ode, LDR-Engineering
Kristen Forburger – MSCP
Maxx Stalheim, Long Range Planning
City Attorney's Office
Shannon Thomas (MS 93C)
Alexis Jodolowski (MS 59)
Fritz Ortlieb (MS 59)
Otay-Nestor Branch Library (81W)
San Ysidro Branch Library (81EE)
Library Department – Gov't Documents (81 & 81A)
Park and Recreation Department (89)
Laura Ball
Environmental Services Department (80)
Lisa Wood (MS 1102A)
Public Utilities Department
Christopher McKinney, Deputy Director (MS 903)
Keli Balo (MS 901A)
Governmental Relations Department (MS 51M)
Real Estate Assets Department (85)
Engineering and Capital Projects Department (86)
Kerry Santoro, Project Officer II (MS 908A)
Transportation and Storm Water Department (Applicant/Permittee)
Kris McFadden, Deputy Director (MS 1900)
Bill Harris (MS 1900)
Gus Brown (MS 44)
Anne Jarque, Senior Planner (MS 44)
Daniel Lottermoser, Associate Engineer (MS 44)
Roger Wammack (MS 44)

City Advisory Boards
Historical Resources Board (87)
Wetland Advisory Board (91A)

Other Groups and/or Individuals
City of Imperial Beach (99)
Vipul Joshi, Dudek & Associates (Consulting Biologist and Agent for Applicant)
Mark Becker, ASM Affiliates, Inc. (Consulting Archaeologist)
South Coastal Information Center @ San Diego State University (210)
San Diego History Center (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Kumeyaay Cultural Heritage Preservation
Native American Distribution (PUBLIC NOTICE ONLY)
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiaapaayp Band of Mission Indians (225C)
Jamul Indian Village (225D)
La Posta Band of Mission Indians (225E)

Manzanita Band of Mission Indians (225F)
Sycuan Band of Mission Indians (225G)
Viejas Group of Capitan Grande Band of Mission Indians (225H)
Mesa Grande Band of Mission Indians (225I)
San Pasqual Band of Mission Indians (225J)
Santa Ysabel Band of Diegueño Indians (225K)
La Jolla Band of Mission Indians (225L)
Pala Band of Mission Indians (225M)
Pauma Band of Mission Indians (225N)
Pechanga Band of Mission Indians (225O)
Rincon Band of Luiseno Indians (225P)
San Luis Rey Band of Luiseno Indians (225Q)
Los Coyotes Band of Mission Indians (225R)
Inaja Band of Mission Indians
Otay Mesa-Nestor Planning Committee (228)
San Ysidro Planning and Development Group (433)
United Border Community Town Council (434)
Don Chadwick, County Water Authority (73)
Sierra Club (165/165A)
San Diego Audubon Society (167, 167A)
Environmental Health Coalition (169)
California Native Plant Society (170)
San Diego Coast & Baykeeper (173)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182 & 182A)
Coastal Environmental Rights Foundation
San Diegans for Open Government
Surfer's Tired of Pollution (318)
San Diego Civic Solutions *(Canyonlands)*
Dr. Jeff Crooks, TRNERR
Dick Tynan
Don Opel
Bob Hicks
John Galbaldon
Tim Gavon
Dan Winne
David Egger
Joella A. Smith
Javier Cortez
Mrs. Rosa A. Carbajal
Rodel Reyes
Mr. Angel Sabino
Barbara Washburn
URS Corporation
Rick Engineering

VII. RESULTS OF PUBLIC REVIEW:

( ) No comments were received during the public input period.

( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

(X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.

Myra Herrmann, Senior Planner
Development Services Department

July 18, 2011
Date of Draft Report

August 24, 2011
Date of Final Report

Analyst: Myra Herrmann

Attachments: Regional Map (Figure 1)
Location Map (Figure 2)
Channel Impacts and Mitigation Map (Figure 3)
Initial Study Checklist

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

August 18, 2011

Myra Herrmann
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Tijuana River Pilot and Smuggler's Gulch Channel Maintenance
SCH#: 2011071061

Dear Myra Herrmann:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 17, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

A-1

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

RESPONSE TO COMMENTS

STATE CLEARINGHOUSE CLOSURE LETTER (08/18/2011)

1. Comment acknowledged. Letters were received from the following State agencies: Department of Fish and Game (CDFG), Department of Toxic Substance Control (DTSC) and the Department of Park and Recreation, Tijuana River National Estuarine Research Reserve (TRNERR). The City of San Diego responses are included below.

Herrmann, Myra

From: Paul Schlitt [PSchlitt@dfg.ca.gov]
Sent: Tuesday, August 16, 2011 1:41 PM
To: DSD EAS
Cc: Kelly Fisher; Marilyn Fluharty; David_Zoutendyk@fws.gov; Patrick_Gower@fws.gov; state.clearinghouse@opr.ca.gov
Subject: Department of Fish and Game comments on the Draft Mitigated Negative Declaration for the Tijuana River Pilot and Smuggler's Gulch Channel Maintenance (Project No. 230815, SCH# 2011071061)

Dear Ms. Herrmann:

The California Department of Fish and Game (Department) has reviewed the draft Mitigated Negative Declaration and Initial Study (MND/IS) dated July 18, 2011, for the Tijuana River Pilot and Smuggler's Gulch Channel Maintenance. The comments provided herein are based on information provided in the MND/IS and associated documents (including the Errata Biological Resource Technical Report and Conceptual Wetlands Mitigation Plan Tijuana River Valley Channel Maintenance, prepared by Dudek, dated July 2011), our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code, Section 2050 et seq.) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan.

We are generally in agreement with the proposed mitigation measures and the analyses provided in the MND/IS. We have the following comments that the City should address prior to the adoption of the MND.

1. Although the light-footed clapper rail (Rallus longirostris levipes, clapper rail) is an MSCP-covered species, the Federal MSCP/HCP permit does not authorize harm or lethal take of this species, and it requires measures to avoid edge effects (e.g., recurring channel maintenance activities) that could lead to take of the clapper rail, as well as other listed species such as least Bell's vireo (Vireo bellii pusillus) and southwestern willow flycatcher (Empidonax traillii extimus). The project (including the future associated channel maintenance activities) is proposed to occur outside of the avian breeding season. However, because the clapper rail is a resident species, the project has the potential to result in the take of clapper rail.

While the project as currently proposed is unlikely to result in take as defined by the Department, please be aware that take authorization from the State is not feasible for the clapper rail because it is a State Fully Protected Species. However, both the proposed project and subsequent channel maintenance activities could result in take under the Federal Endangered Species Act (Act). In order to determine whether the proposed project and channel maintenance activities would result in take under the Act, it is necessary to assess the impacts on the clapper rail. Any take of this species would need to be authorized under section 7 or 10 of the Act.

2. The errata to the Biological Resource Technical Report (BTR) provided survey guidance that should be applied to address potential impacts to clapper rail, along with species-

RESPONSE TO COMMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME (08/16/11)

B-1. Section 2.0 Avoidance and Minimization of the Errata to the Biological Resource Technical Report and Conceptual Wetlands Mitigation Plan (Revised August 2011) includes specific mitigation measures for the light-footed clapper rail. These measures have been added to the MND, MMRP for the project and are summarized below in response to the CDFG comment.

Focused surveys for light-footed clapper rail (*Rallus longirostris levipes*) will be conducted by a qualified avian biologist with a valid 10(a)(1)(A) permit from the U.S. Fish and Wildlife Service (USFWS) within 72 hours of the initiation of annual maintenance activities. The qualified biologist shall conduct two preconstruction presence/absence surveys in cattail habitat, five days apart, with the last survey ending five to seven days before the start of work. Surveys shall utilize vocalizations to elicit a vocalization response from any potentially present clapper rails. If light-footed clapper rails are detected during focused surveys or during daily pre-construction surveys, maintenance activities within that portion of the project shall halt and the qualified avian biologist shall immediately notify the USFWS and initiate a consultation between the agency and the City for further guidance and/or direction to avoid potential impacts to the clapper rail before any maintenance activities will be allowed to resume.

The qualified biologist will be required to conduct a presence/absence survey on the day that maintenance activities commence in the channel to ensure that clapper rails do not enter the work area and that the activities are maintained within the authorized limits to ensure that impacts to clapper rail are avoided.

Immediately after the start of the construction survey, orange fencing shall be installed across the channel and up the channel banks at the downstream edge of the surveyed area(s) to inhibit entry of clapper rails into the maintenance area(s) from downstream. Before each workday, the qualified biologist shall walk upstream to downstream to evaluate if clapper rails have entered the work area and immediately notify USFWS if clapper rails have been detected as noted above.

In consultation with the USFWS through a Section 7 Biological Opinion, mitigation measures have been incorporated into the final Mitigated Negative Declaration to ensure no take of clapper rail bird species will occur. Furthermore, the City recognizes that the clapper rail is a Fully Protected Species under the California Endangered Species Act (CESA) and therefore no take would be authorized by CDFG for the project.

In addition, the following statement has been inserted into the MMRP further clarifying that all maintenance activities will be conducted outside established breeding seasons for the coastal California gnatcatcher, Southwestern Willow flycatcher, least Bell's vireo and the light-footed clapper rail: "Work shall be conducted outside the breeding seasons of special-status birds (i.e., September 15 through March 15, annually)."

specific avoidance and minimization measures that should be incorporated into the project. However, the MND/IS (a) are silent on this subject, (b) do not adequately assess the potential project-related impacts (including take) to the clapper rail, and (c) lack mitigation, monitoring, and reporting commitments (i.e., MMRP) that are necessary to ensure that there would be no take of this species. The analysis provided in the errata to the BTR should be incorporated into the final MND/IS. Additionally, because of the requirement in the MSCP Subarea Plan for area specific management directives (ASMDs) for protection against detrimental edge effects to clapper rail, the final MND/IS should also (a) thoroughly address how the proposed project will avoid direct and indirect impacts to the clapper rail, and (b) provide, as applicable, ASMDs for the clapper rail.

3. The MMRP acknowledges southwestern willow flycatcher as federally endangered. Please revise the MMRP to designate the species as also State endangered.

We appreciate the opportunity to comment on the draft MND/IS for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. We look forward to reviewing the City's response to these comments, as the City usually responds to the Department's comments on MNDs. We would appreciate it if you would confirm by e-mail your receipt of our comments.

Regards,

Paul Schlitt
Staff Environmental Scientist
Department of Fish and Game
South Coast Region
3883 Ruffin Road
San Diego, CA 92123

Phone (858) 637-5510
Fax (858) 467-4299
pschlitt@dfg.ca.gov

RESPONSE TO COMMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME (08/16/11)

B-2 See comment B-1. Mitigation measures have been incorporated in the final MND Mitigation, Monitoring and Reporting Program (MMRP). Implementation of these avoidance measures will be in compliance with the USFWS Section 7 Biological Opinion.

In addition, the City's Multiple Species Conservation Program (MSCP) Subarea Plan's area management directives for the light-footed clapper rail within the Tijuana River Valley would include active management of wetlands to ensure a healthy tidal saltmarsh environment and specific measures to protect against detrimental edge effects to this species. Maintenance activities would minimize adverse edge effects to the clapper rail through implementation of the MSCP/MHPA Land Use Adjacency Guidelines and Best Management Practices (BMPs) which ensure that direct impacts remain within the footprint of the project and indirect impacts are minimized to the extent feasible. Furthermore, adverse edge effects are avoided through the removal of trash and sediment, which if not removed, has the potential to adversely affect clapper rail habitat further downstream in the River Valley.

B-3 The MMRP and final MND have been revised to clarify that the southwestern willow flycatcher is a State endangered species.

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

August 10, 2011

Ms. Myra Hermann
City of San Diego
1222 First Avenue, MS 501
San Diego, California 92101

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE TIJUANA RIVER PILOT AND SMUGGLER'S GULCH CHANNEL MAINTENANCE PROJECT, (SCH #2011071061), SAN DIEGO COUNTY

Dear Ms. Hermann:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Initial Study (IS) and a draft Mitigated Negative Declaration (MND) for the above-mentioned project. The following project description is stated in your document: "The project primarily consists of maintenance dredging of the Pilot Channel and a portion of Smuggler's Gulch in the Tijuana River Valley. The proposed maintenance project includes the annual excavation of approximately 10,000 – 30,000 cubic yards (cy) of materials (i.e., sediment and trash debris), occupying a total of 4.61 acres of jurisdictional waters. The Tijuana River Pilot and Smuggler's Gulch channels are generally located between Hollister Street and Monument Road within the Tijuana River Valley Community planning area. The United States (U.S.)/Mexican Border is directly to the south; the Pacific Ocean, Tijuana River National Estuarine Research Reserve and the City of Imperial Beach are directly to the west; the Otay-Nestor Community Planning Area is located to the north; and the San Ysidro Community Planning Area is located east of the project site. The land use designation of the project site is Open Space and Agriculture, and the zoning designation of the project site is OF-1-1 (Open Space-Floodplain) and AR-1-1 (Agricultural-Residential) ".

Based on the review of the submitted document DTSC has the following comments:

C-1. 1) The MND should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

RESPONSE TO COMMENTS

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (08/10/11)

C-1 Comment acknowledged. City staff performed an environmental site assessment using the State's Geotracker as well as the other databases noted in the comment for a comprehensive evaluation. The Geotracker database indicated localities within the project area that could intersect with maintenance activities or our completely outside the project footprint. Many of the site listings are in various stages of cleanup status or are completed-closed cases. It is not anticipated that these cases would pose any additional threat to human health or the environment beyond that within the project footprint itself. Additionally, in the event that a health risk is encountered during maintenance activities, the contractor, along with City staff will be required to implement compliance measures for possible contaminants and/or contaminated groundwater in accordance with all applicable local (Whitebook specifications), state and federal regulatory requirements.

C-2 Please refer to Response C-1. In the event that a health risk is encountered during maintenance activities, the contractor, along with City staff will be required to implement compliance measures for possible contaminants and/or contaminated groundwater in accordance with all applicable local (Whitebook specifications), state and federal regulatory requirements. Additional language has been added to the Initial Study checklist acknowledging the need for local, state or federal agency regulatory oversight in the event that remediation is required, such as but not limited to a Phase I or II environmental site assessment investigation.

C-3 Please refer to Response C-2.

C-4 Please refer to Response C-2.

C-5 Please refer to Response C-2.

C-6 Please refer to Response C-2. City staff and the contractor will be required to implement measures called out in the City's Whitebook in the event that a health risk is encountered. Standard protocols including the use of masks and implementing appropriate Best Management Practices for dust control will aid in reducing any potential risk to workers and other sensitive receptors in the project vicinity.

C-1 (cont.)

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

C-2

2) The MND should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

C-3

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a

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C-3 (Cont.)

table. All closure, certification or remediation approval reports by regulatory agencies should be included in the MND.

C-4

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

C-5

5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

C-6

6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

C-7

7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

C-8

8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program

RESPONSE TO COMMENTS

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (08/10/11)

C-7 As noted in the Initial Study Checklist, the project involves the maintenance of the existing storm water conveyance facilities within the Tijuana River Valley which is known to contain secondary hazardous materials and/or pollutants which have been carried downstream after heavy winter rains (e.g. urban storm flow). All sediments removed from both the Pilot Channel and Smuggler's Gulch would be subject to regulatory oversight along with appropriate sampling and testing prior to disposal to an approved off-site location.

C-8 Comment noted. Please refer to Responses C-2 and C-6.

C-9 Comment noted.

C-8

Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

C-9

9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

10) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3279

RESPONSE TO COMMENTS

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Tijuana River National Estuarine Research Reserve
California Department of Parks and Recreation
301 Caspian Way • Imperial Beach • CA • 91932
(619) 575-3613 • Fax (619) 575-6913 • www.tijuanaestuary.org

August 17, 2011

Ms. Myra Herrman
City of San Diego Development Services Center
1222 First Avenue, MS501
San Diego, CA 92101

Regarding: Tijuana River Pilot and Smuggler's Gulch Channel Maintenance (SCH 2011071061).

Dear Ms. Herrman,

The Proposed Project intends to provide on-going maintenance of the Tijuana River Pilot Channel and Smuggler's Gulch channels to restore storm water conveyance capacities to reduce the risk of flooding to the surrounding properties. Given the current conditions in the Tijuana River Valley continued maintenance of the Pilot Channel and Smuggler's Gulch Channel, as described in the Proposed Project, is appropriate as an interim solution however several concerns are addressed below.

D-1 Adequate control of non-native vegetation (especially arundo) within the project footprint, prior to channel excavation, is critical. Arundo is known to proliferate extensively through vegetative propagules; incomplete excavation of viable arundo rhizome mass and shattering and dispersal of viable arundo propagules will facilitate the spread of this invasive plant throughout the River Valley. This is especially a concern when excavated sediment is not removed from the River Valley, but used to re-create or armor erodible berms associated with the Proposed Project.

D-2 The proposed repair of the channel bank directly west of the Hollister Bridge appears to be a somewhat redundant proposal with a project element proposed by the San Diego County Water Authority's (SDCWA) Tijuana River Valley Wetlands Mitigation Project (SC# 2007111070). The City should coordinate with the SDCWA, along with the appropriate regulatory agencies and stakeholders, to ensure that the most appropriate action is taken with respect to necessary flow control and considering a cohesive vision for restoration in the River Valley.

D-3 The function and benefit of the gabion structure is not clear. Please further define the specifics of this structure in terms of function and benefit.

D-4 Ultimately, continued annual maintenance such as this does not appear to be a sustainable solution. The City should work in coordination with the Tijuana River Valley Recovery Team and other stakeholders to develop a long-term vision for the River Valley and ensure this vision adequately addresses the Proposed Project situation. Watershed restoration which allows for more-sustainable conditions are desired however in the interim, the City should work closely with other local land-managers to share the responsibility of sediment management valley-wide.

Thank you for the opportunity to comment on this project.

Christopher M. Peregrin
Stewardship Coordinator/Environmental Scientist
Tijuana River National Estuarine Research Reserve

RESPONSE TO COMMENTS

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
TIJUANA RIVER NATIONAL ESTUARINE RESEARCH RESERVE (08/17/11)

D-1 The City's Transportation & Storm Water Department (T&SWD) is currently working with the Southwest Wetlands Interpretive Association (SWIA) to implement an exotic/invasives plant species removal program to fulfill the project's mitigation requirements to control and eradicate such plant species as Arundo within the maintained channels and additional areas adjacent to the Pilot Channel. A copy of the proposal (dated February 23, 2011) has been e-mailed by T&SWD staff to Mr. Peregrin for his review.

D-2 The City's T&SWD and Development Services Department (DSD) will continue to coordinate efforts with the San Diego County Water Authority (SDCWA) and Regulatory Agencies (US Army Corps of Engineers, USFWS, Regional Board, and CDFG) to manage flood flows in a manner that meets multiple stakeholder objectives to the maximum extent feasible. As described in the MND, the current flood control management directives were developed in the Two Alternatives City Manager's Report (1995) and includes maintenance of low-flows (up to approximately the 10-year storm event) within the Pilot Channel. The current proposed project is consistent with these directives. The City is aware of the SDCWA proposal for a berm west of Hollister Street and will coordinate efforts so that no redundant or otherwise unnecessary berms are built. The potential bank reconstruction area is being retained in the project description in the event that the proposed SDCWA berm is not built or other repairs are necessary in this area. Any bank reconstruction in this area would require review and approval by the all applicable regulatory agencies prior to implementation.

D-3 Regulatory permits were approved in 1998 that allowed the City to widen the confluence area where the Pilot channel and Smuggler's Gulch converge. The reconfiguration directed flows from Smuggler's Gulch at an angle as a means to reduce erosive velocities at the confluence and protect the surrounding wetland habitat (Figure D3-1). The gabion structure, or caged rock mattress, was constructed in 2001 along the eastern bank of Smuggler's Gulch confluence area and its primary function was to slow water flow velocities from Smuggler's Gulch as it confluences with the Pilot Channel. As a result, the benefit is to protect the eastern bank from eroding and prevent enlarging the confluence area which could then impact the surrounding wetland habitat.

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D-3 Continued

Figure D-3-1. Photo of gabion rock mattress (taken October 2001) looking southeast from the confluence at the Pilot Channel (left of the gabion) and Smuggler's Gulch (right and in front of the gabion).

The gabion structure covers approximately an approximately 5,000 square foot footprint (Figure D3-2). A filter blank was laid down which was then covered with rock rip rap, approximately six inches in depth. A wire mesh structure was placed on top of the rocks to stabilize the gabion and reduce erosion to the constructed 2:1 slope.

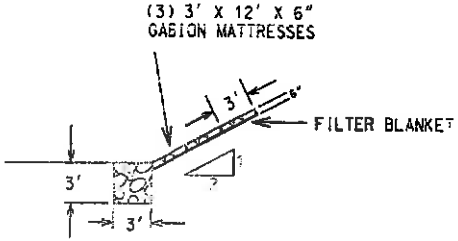

Figure D3-2. Cross Section of gabion rock mattress.

During Emergency maintenance activities in 2009, City crews excavated a small area where the gabion is located and exposed the top of the gabion structure which was buried under approximately eight feet of accumulated sediment. Although the structure is currently buried, the gabion structure has been included in the proposed project and within the project footprint to document and identify potential adverse impacts related any repairs associated with this structure.

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CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
TIJUANA RIVER NATIONAL ESTUARINE RESEARCH RESERVE (08/17/11)

D-4 The City's T&SWD is actively involved with the Tijuana River Valley Recovery Team (TRVRT) and is currently working with other stakeholders in the Valley, including the Tijuana River National Estuarine Research Reserve, to implement sediment control and trash/debris removal projects that could minimize maintenance responsibilities related to flood control. Efforts coordinated by the TRVRT could provide potential funding opportunities to implement projects that would restore the Tijuana River Valley watershed. In conformance with a Joint Powers Agreement (City of San Diego Ordinance #O-18268) with the County of San Diego, the City also coordinates efforts to operate and maintain (e.g. roads and infrastructure) the Tijuana River Valley Regional Park.

County of San Diego

RICHARD E. CROMPTON
DIRECTOR

DEPARTMENT OF PUBLIC WORKS
5500 OVERLAND AVE, SUITE 310
SAN DIEGO, CALIFORNIA 92123-1295
(858) 694-2212 FAX: (858) 268-0481
Web Site: www.sdcounty.ca.gov/dpw/

August 8, 2011

Myra Herrmann, Senior Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

TIJUANA RIVER PILOT AND SMUGGLER'S GULCH CHANNEL MAINTENANCE PROJECT PUBLIC NOTICE OF DRAFT MITIGATED NEGATIVE DECLARATION (MND) FOR COASTAL DEVELOPMENT PERMIT (CDP) AND SITE DEVELOPMENT PLAN (SDP):PROJECT #230815

Dear Ms. Herrmann:

The County of San Diego (County) Department of Public Work (DPW) and Department of Parks and Recreation (Parks) received the Draft Mitigated Negative Declaration (MND) for the Tijuana River Pilot and Smuggler's Gulch Channel Maintenance Project, dated July 18, 2011. According to the draft MND, the proposed project is to permit previous emergency work and on-going maintenance of the channels to restore storm water conveyance capacities to reduce the risk of flooding to the surrounding properties.

E-1 The project County DPW and Parks staff completed and have no comments on the content of the above document. County DPW and Parks is requesting to be notified before any work is conducted within the portion of the channel that the County owns and to receive copies of all final permits issued for this work.

The County appreciates the opportunity to participate in the review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions please feel free to contact me at (858) 874-4054, or by email at Julia.Quinn@sdccounty.ca.gov.

Sincerely,

Julia Quinn

JULIA M. QUINN, Environmental Planning Manager
Department of Public Works

JMQ: jmq

CC: Patrick McDonough, County Parks and Recreation (MSO29)
Tom Duffy, County DPW MSO385

Kids • The Environment • Safe and Livable Communities

RESPONSE TO COMMENTS

COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS (08/08/11)

E-1 Comment noted. The City's T&SWD will contact the County of San Diego's Public Works and the County Parks and Recreation offices prior to the start of any work within County-owned and managed lands. Copies of all final regulatory permits for the proposed project will be provided to Ms. Quinn and Mr. McDonough at the addresses documented in your letter.

BRIGGS LAW CORPORATION

San Diego Office:
814 Morena Boulevard, Suite 107
San Diego, CA 92101

Telephone: 619-497-0021
Facsimile: 619-515-6410

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1593.06

17 August 2011

RECEIVED
AUG 17 2011
Development Services

Myra Hermann
Environmental Planner
City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, California 92101
DSDEAS@sandiego.gov

Re: Project no. 230815 (Tijuana River Pilot and Smuggler's Gulch Channel Maintenance)

Dear Ms. Hermann:

I am writing on behalf of San Diegans for Open Government to submit comments and evidence for your consideration and to be included in the administrative record in this action.

F-1 The project description is unduly vague. There is no explanation of what "on-going maintenance of the Tijuana River Pilot and Smuggler's Gulch" consists of. For example, what period of time is the mitigated negative declaration intended to cover? What portions of these areas will be maintained and how?

F-2 There is no explanation of how this project relates to the Master Storm Water Maintenance Program. The Master Storm Water Maintenance Program is for the long-term maintenance of storm water facilities by the Storm Water Division. The Tijuana River Pilot Channel and Smuggler's Gulch Channel are listed as being part of the Master Storm Water Maintenance Program. Ex. 2. There should be some explanation about how this project relates to that project.

F-3 The Master Storm Water Maintenance Program environmental impact report ("PEIR") found significant and unavoidable impacts in the areas of aesthetics/neighborhood character, air quality, greenhouse gas emissions, biological resources, historical and paleontological resources and solid waste. Ex. 1. This project may have significant impacts in each of these areas for the same reasons set forth in the PEIR.

F-4 Despite the estimated use of 18 dump trucks a day plus the machinery involved in the maintenance activities, the MND does not discuss the impact of diesel exhaust on sensitive receptors. Diesel exhaust has a number of harmful effects and should be analyzed. *See* Exs. AQ 1-18.

F-5 The initial study determines that GHG emissions would be "short term and temporary" and therefore the project is not anticipated to exceed the City's significance threshold. There is no attempt to quantify the annual emissions associated with the project. While in any given year, the emissions associated with the project may be confined to a six-month period, the project "includes

RESPONSE TO COMMENTS

BRIGGS LAW CORPORATION (SAN DIEGANS FOR OPEN GOVERNMENT) (08/17/11)

F-1 A detailed project description has been provided on pages 1-4 of the project's Public Notice, pages 1-4 of the Mitigated Negative Declaration (MND); and pages 1-5 of the Initial Study checklist. The draft Mitigated Negative Declaration has fully complied with the following CEQA Guidelines Section:

15071. CONTENTS
A Negative Declaration circulated for public review shall include:
(a) A brief description of the project, including a commonly used name for the project, if any;
(b) The location of the project, preferably shown on a map, and the name of the project proponent;
(c) A proposed finding that the project will not have a significant effect on the environment;
(d) An attached copy of the Initial Study documenting reasons to support the finding; and
(e) Mitigation measures, if any, included in the project to avoid potentially significant effects.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21080(c), Public Resources Code.

As stipulated in the Settlement Agreement and Release, the baseline shall be the conditions of Smuggler's Gulch and the Pilot Channel at the time of the issuance of the Emergency Coastal Development Permit in 2009. The environmental analysis as disclosed in the MND has therefore been conducted using this baseline in accordance with CEQA. The environmental document prepared for the project covers the discretionary actions to permit and analyze potentially significant impacts resulting from 2009 and 2010 emergency maintenance actions; as well as future on-going maintenance activities associated with restoring conveyance capacities of the flood control channels to prevent flooding.

F-2 As part of the administrative record, the City's T&SWD has submitted correspondence (dated January 26, 2011) to DSD, in conjunction with the Coastal Development Permit and Site Development Permit application (Project No 230815) that describes how this project relates to the Master Storm Water Maintenance Program (Master Program). Since the Master Program and its associated Program Environmental Impact Report (PEIR) have not been approved and certified by the San Diego City Council this environmental document cannot be considered a subsequent project under CEQA and therefore does not incorporate by reference the Master Program PEIR.

F-3 The Master Program PEIR project is currently being appealed to the San Diego City Council despite a unanimous vote of approval by the San Diego Planning Commission in 2010. The Master Program PEIR has not been certified and therefore this project could not tier off the programmatic-level environmental analysis.

F-5 (CONT.) the annual excavation" of material. Since the project is on-going, it is not "short-term and temporary." For more information on greenhouse gas emissions, please see the exhibits in the GHG folder of the attached CD-ROM.

F-6 There is no discussion of the aesthetic impacts associated with storing the dredged materials until it is disposed of. For example, will the excavated soil, tires, and other debris be visible from the nearby residences?

F-7 There is no analysis of the project's potential impacts on agricultural resources. While the PEIR acknowledges that there are agricultural resources in areas covered under the Project, it finds that there is no possibility of a significant impact. However, how channels are maintained impacts the flow of water. The maintenance schedule and areas that are maintained (or not) can in fact have an impact on whether storm water floods onto agricultural land, the proximity of water to agricultural land, and the quality of water on or near agricultural land.

F-8 Finally, there is no real analysis of how contaminated soil that has been dredged will be disposed of. The PEIR acknowledges a potential solid waste impact, but does not adequately address what the solution may be. Particularly because the soil is often contaminated with hazardous substances, this is an issue that warrants thorough discussion.

Thank you for your consideration of these issues.

Sincerely,

BRIGGS LAW CORPORATION

Meknela M. Gladden

Exhibit Index and CD-ROM attached

RESPONSE TO COMMENTS

BRIGGS LAW CORPORATION (SAN DIEGANS FOR OPEN GOVERNMENT) (08/17/11)

F-3(CONT) A project level environmental analysis, supported by substantial evidence (e.g. site-specific technical reports) was conducted for this project to determine potential environmental impacts associated with the maintenance activities proposed in the Tijuana River Valley (Pilot and Smuggler's Gulch channels). Based on the Initial Study and review of technical reports for the project, the DSD as Lead Agency under the CEQA made the appropriate CEQA finding and prepared a Mitigated Negative Declaration which addresses potentially significant environmental effects in the following area(s): *Cultural Resources (Archaeology), Land Use (MSCP/MHPA), and Biological Resources.* The project includes specific mitigation for the above issues areas which will reduce potentially significant impacts to below a level of significance and preparation of an EIR was not required.

F-4 No sensitive receptors have been identified within or in close proximity to the project site that could be significantly affected by diesel exhaust. The City's CEQA Significance Determination Thresholds (January 2011) cites the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality handbook which provides the following definition:

A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant than is the population at large. Sensitive receptors (and the facilities that house them) in proximity to localized CO sources, toxic air contaminants or odors are of particular concern. Examples include:

- *Long-Term Health Care Facilities*
- *Rehabilitation Centers*
- *Convalescent Centers*
- *Retirement Homes*
- *Residences – such as medical patients in homes*
- *Schools*
- *Playground*
- *Child Care Centers*
- *Athletic Facilities*

As described on page 5 of the Initial Study Checklist, the surrounding land uses and environmental setting of the project include the South Bay Water Reclamation Plant, the Tijuana River National Estuarine Research Reserve, active agricultural uses, horse ranches/boarding stables and County-owned land within the Tijuana River Regional Park, and organic farming. These land uses are not considered to meet the definition of a sensitive receptor which could be adversely affected by diesel emissions associated with this maintenance activity.

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BRIGGS LAW CORPORATION (SAN DIEGANS FOR OPEN GOVERNMENT) (08/17/11)

F-5 The discussion in the Initial Study has been revised to reflect the findings of the project's Greenhouse Gas Emissions Report, including a quantification of greenhouse gas emissions associated with the project. Additionally, each individual maintenance activity within the Pilot and Smuggler's Gulch Channels would be limited to the work necessary to remove sediment build-up at that time and therefore construction related emissions would be considered short-term and temporary for that particular activity when compared to a project which would generate significant daily vehicle trips over the life of a project.

F-6 The stockpiles at staging areas B and D are not located in an area that has been designated or identified within a public view corridor as shown in an adopted community plan, General Plan, or Local Coastal Program. Although CEQA does not protect private views from private residences or properties, the City's T&SWD has moved the sediment stockpile area on Staging Area B to the north at the request of the adjacent resident to the east. No other residences in the vicinity have a direct view of the sediment stockpile. The sediment stockpile at Staging Area D is located behind the South Bay Water Reclamation Plant and there are no residences nearby with a direct view of the stockpile.

F-7 This project cannot rely on, or tier off the analysis conducted for the Master Program PEIR, as cited in the comment letter because the PEIR has not been certified. Site-specific project level impacts to agricultural resources have been analyzed and a discussion has been included in the Initial Study Checklist Section II., Agriculture and Forestry Resources.

F-8 This project cannot rely on, or tier off the analysis conducted for the Master Program PEIR, as cited in the comment letter, because the PEIR has not been certified. Site-specific project level impacts to Solid Waste have been analyzed and a discussion has been included in Initial Study Checklist Section XVII., Utilities and Service Systems. Please also refer to Response to Comment Nos. C-1 through C-8 for the Department of Toxic Substance Controls.

RESPONSE TO COMMENTS

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INDEX OF EXHIBITS
Tijuana River Pilot and Smuggler's Gulch Channel Maintenance
Project no. 230815

Exhibit	Description	DATE
1	Recirculated Environmental Impact Report for Master Storm Water Maintenance Program	
2	Excerpt from Exhibit B: Master Storm Water Maintenance Program	
Air Quality		
AQ 1	"Health Effects of Diesel Exhaust"	July 13, 2009
AQ 2	"Summary of Adverse Impacts of Diesel Particulate Matter"	December 2008
AQ 3	"Health Effects if Particulate Matter and Ozone Air Pollution"	November 2007
AQ 4	South Coast Air Quality Management District, Board Meeting Agenda	October 3, 2003
AQ 5	South Coast Air Quality Management District, Final Methodology to Calculate Particulate Matter	October 2006
AQ 6	South Coast Air Quality Management District, Localized Significance Thresholds	July 7, 2009
AQ 7	2005-2007 Thresholds for Construction and Operation with Gradual Conversion	Not Identified
AQ 8	South Coast Air Quality Management District, Air Quality Significance Thresholds	Not Identified
AQ 9	Construction Equipment Pollution in California-Fact Sheet	Not Identified
AQ 10	Final Regulation Order; California Code of Regulations, Title 13, Division 3	Not Identified
AQ 11	"Primer on Landfill Gas as Green Energy"	January 10, 2010
AQ 12	"Cleaner Natural Gas: New Ways to Reduce Greenhouse Gas Emissions"	January 10, 2010
AQ 13	Nitrogen Dioxide	June 29, 2009

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AQ 14	South Coast Air Quality Management District, Fact Sheet Locomotive Operations and Air Pollution in Southern California	February 2006
AQ 15	Diesel Truck Health Risk Assessment Wal-Mart Supercenter	April 19, 2007
AQ 16	Fairfield Wal-Mart EIR-Air Quality Section	March 2006
AQ 17	Los Angeles Southwest College Facilities Master Plan Update Draft Supplemental Environmental Impact Report	December 18, 2009
AQ 18	South Coast Air Quality Management District, Final Methodology to Calculate Particulate Matter	October 2006
Greenhouse Gas Emissions and Global Climate Change		
GHG 1	Assembly Bill No. 32; Chapter 488	September 27, 2006
GHG 2	"Not too late to save the polar bear," Center for Biological Diversity Report	October 17, 2007
GHG 3	Arctic Sea Ice Data	Not Identified
GHG 4	"The California Environmental Quality Act: On the Front Lines of California's Fight Against Global Warming," Center for Biological Diversity Report	September 2007
GHG 5	"Our Changing Climate: Assessing the Risks to California"	Not Identified
GHG 6	The Copenhagen Diagnosis	November 2009
GHG 7	"Measuring Greenhouse Gas Emissions from Waste"	January 23, 2009
GHG 8	A Life-Cycle Assessment of Emissions and Sinks	May 2002
GHG 9	U.S. Environmental Protection Agency-Methane	October 21, 2008
GHG 10	Clean Up the World-Organic Waste	Not Identified
GHG 11	Heavy-Duty Trucks and Global Warming	February 2009
GHG 12	Climate Change Scoping Plan	December 2008
GHG 13	CAPCOA, "CEQA and Climate Change-Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to CEQA"	January 2008

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GHG 14	Attorney General, "The California Environmental Quality Act Addressing Global Impacts at the Local Agency Levels"	May 2008
GHG 15	"Addressing Climate Change at the Project Level"	January 6, 2010
GHG 16	Executive Order S-3-05	June 2005
GHG 17	"Quantifying Greenhouse Gas Mitigation Measures-A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures"	August 2010
GHG 18	"Local Government's Role in Responding to Climate Change in California"	May 9, 2009
GHG 19	IPCC Working Group 1	2007
GHG 20	IPCC Working Group 2	2007
GHG 21	IPCC Working Group 3	2007
GHG 22	Arctic Sea Ice Data	October 19, 2007
GHG 23	"Arctic sea ice decline: Faster than forecast"	2007
GHG 24	"Working 9 to 5 on Climate Change: An Office Guide"	December 2002
GHG 25	"California Climate Action Registry General Reporting Protocol"	March 2007
GHG 26	"Guidelines for Quantifying GHG Reductions from Grid-Connected Electricity Projects"	Not Identified
GHG 27	"The GHG Protocol for Project Accounting"	Not Identified
GHG 28	"A corporate Accounting and Reporting Standard"	Not Identified
GHG 29	"Designing a Customized Greenhouse Gas Calculation Tool"	Not Identified
GHG 30	"California Climate Action Registry General Reporting Protocol"	January 2009
GHG 31	"The GHG Protocol for Project Accounting"	Not Identified
GHG 32	"A Corporate Accounting and Reporting Standard"	Not Identified
GHG 33	"Designing a Customized Greenhouse Gas Calculation Tool"	Not Identified
GHG 34	"An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets-Waste Report"	September 2008

GHG 35	"An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets-Other Transportation Report"	September 2008
Other Plans		
P 1	City of San Diego Flood Mitigation Plan	June 15, 2007
P2	Tijuana River Valley Local Coastal Program Land Use Plan	Not Identified

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RESPONSE TO COMMENTS

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Comment Letter Exhibits for the Tijuana River Pilot and Smuggler's Gulch Channel Maintenance

Project no. 238815

Submitted by: Briggs Law Corporation

On behalf of San Diegans for Open Government

August 17, 2011

99 East "C" Street, Suite 111

Upland, CA 91786

DATE: 7-24-11

TO: MYRA HERRMAN, SENIOR ENVIRONMENTAL PLANNER,
CITY OF SAN DIEGO DEVELOPMENT SERVICES CENTER
1222 FIRST AV. MS 501, SAN DIEGO CA 92101

FROM: DON OPEL, RESIDENT AND HORSE STABLE OWNER
2223 IMOGENE AV. SAN DIEGO, CA 92154

SUBJ: TIJUANA RIVER VALLEY PILOT AND SMUGGLERS
GULCH CHANNEL MAINTENCE

THANK YOU FOR THE OPPORTUNITY TO COMMENT
ON YOUR EFFORTS TO DEVELOPE A PLAN TO
DEVELOPE A WORKABLE FLOOD CONTROL MANAGEMENT
PROGRAM

G-1 BACKGROUND: VICTIM OF 3 25YR. FLOOD EVENTS
STARTING WITH THE 1979-80 FLOOD
THE RESULT OF MEXICO RELEASING ALL
THE WATER FROM RODRIGUEZ RESERVOIR
AND RECORD BREAKING RAINFALL SHORTLY
AFTER
1984-85: ANOTHER 25YR FLOOD EVENT
1993: OWNER OF TWO HORSE BOARDING
STABLES, ONE ON THE WEST END
OF SUNSET RD. ONE ON LEON
AV. BOTH OF THESE RANCHES WERE
FLOODED AND EVACUATED

RESPONSE TO COMMENTS

DON OPEL (07/24/11)

G-1 This comment provides substantial background information regarding flooding events and maintenance activities within the Tijuana River Valley. No response is necessary.

G-2 Elevations were considered, as shown on the as-built and construction plans (Exhibit A). The downstream plug where the Pilot Channel terminates makes positive flows extremely challenging. In order for positive flow to be maintained through the entire project, the Pilot Channel would need to be extended west through the estuary to the Pacific Ocean.

G-3 The County of San Diego, the current owner of the Brown property, is seeking funding sources to prepare plans and technical reports that will address the removal of illegal fill material located between the Tijuana River Pilot Channel and the Northern Channel. The City's T&SWD will coordinate with the County and appropriate regulatory agencies to review any plans and/or hydraulic and hydrology studies that could affect the proposed maintenance of the Pilot Channel.

THE 1993 FLOOD WAS A SLIGHTY SMALLER BUT MUCH MORE DESTRUCTIVE FLOOD PROBABLE BECAUSE MOST OF THE WATER BEARING CHANELS WERE CLOGGED WITH PLANT MATTER AND SILT CAUSING THE FLOOD WATER TO CUT A NEW CHANEL NORTHWARD ALMOST TO THE SIDES OF THE VALLEY ON THE NORTH. WITH INCOMING TIDES THIS BACKED THE WATER INTO A HOUSING AREA ON THE NORTHEAST OF THE VALLEY FLOODING ABOUT 40 HOUSES

6-1 PRIOR TO THE 1993 FLOOD NO AGENCY ATTEMPTED TO DEVELOPE A FLOOD MGMENT PLAN. BECAUSE OF PRESSURE FROM RESIDENTS AND OTHER ENTITIES THE THEN MAYOR AND SAN DIEGO CONTY FORMED A FLOOD CONTROL TASK FORCE MADE UP OF ALL GOVERNMENT AGENCIES, INVOLVED MANY OTHER ACTIVE CIVIC GROUPS AND RESIDENTS I WAS ASKED TO REPRESENT RESIDENTS AND UNDER THE DIRECTION OF A HYDROLOGIST FIRM, B.S.I WE WERE CHARGED WITH DEVELOPING A FLOOD CONTROL MGMENT PLAN. AFTER REVIEWING NUMEROUS PLANS THE EXISTING PLAN REACHED A CONSENSUS AND WAS ADOPTED. AS WE ALL KNOW THIS PLAN WAS ANYTHING BUT SUCCESSFUL MYSELF AND SEVERAL MEMBERS

RESPONSE TO COMMENTS

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OF THE S.D CO T.R.U WATER COMPANY HAD QESTIONED THE FOLLOWING ELEMENTS OF THE PLAN

1. TOO MANY ELEMENTS INVOLVED, EACH DEPENDING ON THE OTHER TO WORK

2. AN ERODIBLE BERM THAT WOULD RELEASE WATER INTO THE NORTH CHANEL WHEN WATER REACHED A CERTAIN LEVEL - SEVERAL QUESTIONED THIS WOULD WORK AFTER THE BERM WAS LACED WITH ROOTS FROM BRUSH AND PLANT GROWTH.

G-1

3. CONSTRUCTING A PILOT CHANEL TO CARRY LOW FLOW WATER OUT OF RIVER. THE ELEVATIONS OF THE CHANEL WAS NOT CONSIDERED, THE WATER WOULD NOT FLOW DOWN THE CHANEL AND BACKED-UP EAST OF THE HOLLISTER ST. BRIDGE, EVENTUALLY HAD TO BE PUMPED. THE WATER ALSO FOUND ITS WAY INTO THE NORTH CHANEL. THE FIRST RENEGADE SEWAGE FLOW ENTER THE NORTH CHANEL SPREADING POLLUTION CLEAR ACROSS THE VALLEY, DURING THE .1" RAIN WE HAD TWO YEARS

RESPONSE TO COMMENTS

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AGO THAT FLOODED THE KIMSEY RANCH DROWING
HORSES AND 1 HUMAN. THE WATER BACKED-UP
G-1 FINALLY ENTERING THE NORTH CHANEL AND
ONE ITS WAY TO THE OCEAN INUNDATED
ABOUT 200 ACRES OF CROPLAND POLLUTING
THE CROP CAUSING AN ENTIRE LOSS

IN VIEWING YOUR PLAN I SEE
NO MENTION OF ELEVATION STUDIES. I
G-2 FEEL THIS IS CRITICAL TO EXPEDITE WATER
FLOW FROM THE VALLEY

I AM HAPPY TO SEE YOU ARE TAKING
A CLOSE LOOK AT THE EXISTING FLOOD
CONTROL MOMENT PLAN. ONE OF THE ELEMENTS
THAT WAS NEVER ACCOMPLISHED IS THE REMOVAL
G-3 OF THE DICK BROWN LAND-FILL WHICH BLOCKS
ALMOST 50% OF THE OLD SOUTH CHANEL. I
FEEL STRONGLY THAT THE ONLY SOLUTION TO
FLOODING IN THE T.R.U IS RESURECTING OF THE
SOUTH CHANEL AND THEN MAINTAINING IT

SINCERLY
Don Opel

RESPONSE TO COMMENTS

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San Diego County Archaeological Society, Inc.
Environmental Review Committee

25 July 2011

To: Ms. Myra Herrmann
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Tijuana River Pilot and Smuggler's Gulch Channel Maintenance
Project No. 230815

Dear Ms. Herrmann:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the initial study and DMND, and the archaeological survey report prepared by ASM Affiliates, we have the following comments:

H-1 1. We agree with the mitigation recommendations in the ASM report.

H-2 2. The mitigation measures in the DMND are the standard conditions for pipeline work in the City. While there are obvious similarities to the current project, the references to pipelines, laterals, jacking and receiving pits, "associated appurtenances", "age of existing pipe to be replaced", etc., are irrelevant to this project. The conditions need to be rewritten to reflect the correct nature of this project.

H-3 3. In addition, the DMND needs to clearly indicate which areas require monitoring, in order to avoid confusion in the future. The information does appear in the initial study, but it is the DMND mitigation measures that provide the binding definition of requirements.

Thank you for including SDCAS in the distribution of this DMND.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

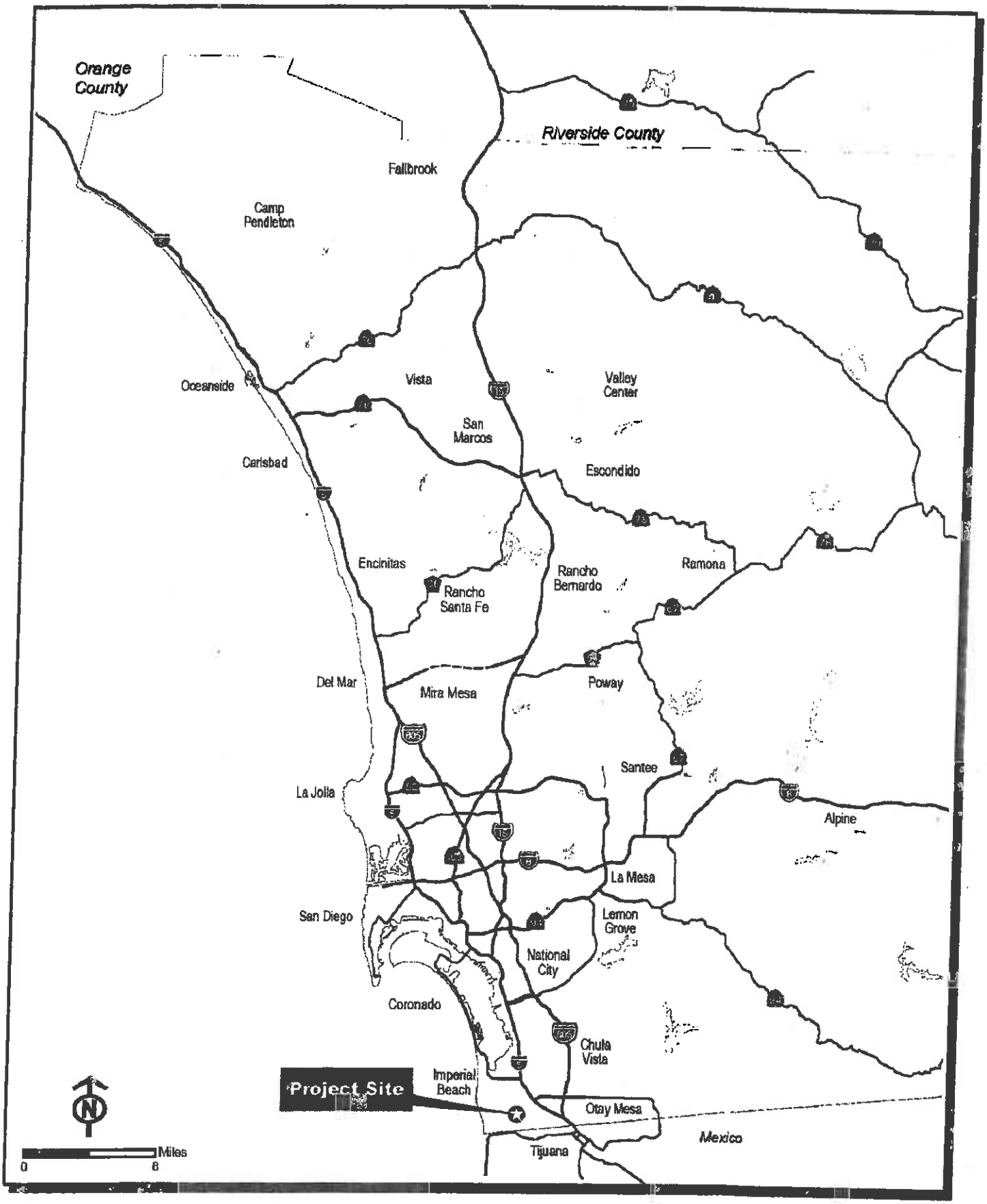
RESPONSE TO COMMENTS

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY (7/25/11)

H-1 Comment acknowledged.

H-2 Comment noted. Section D of the Historical Resources monitoring program was specifically designed to address unanticipated discovery of archaeological resources during construction of underground utility projects. While the current project is linear in nature, if intact deposits are encountered, a determination of significance by the Principal Investigator (PI) would be required based on a thorough evaluation of the resource as detailed in Section III.C – Determination of Significance. In addition, as noted in Section II.B.3. – Identify Areas to be Monitored - the PI is required to submit an Archaeological Monitoring Exhibit which identifies the specific areas subject to the monitoring program and is based on final construction documents provided by the applicant department. Based on the fact that all necessary provisions have been included in the MMRP to address project scope at the time that monitoring is required, staff does not believe that the archaeological monitoring program requires any revision.

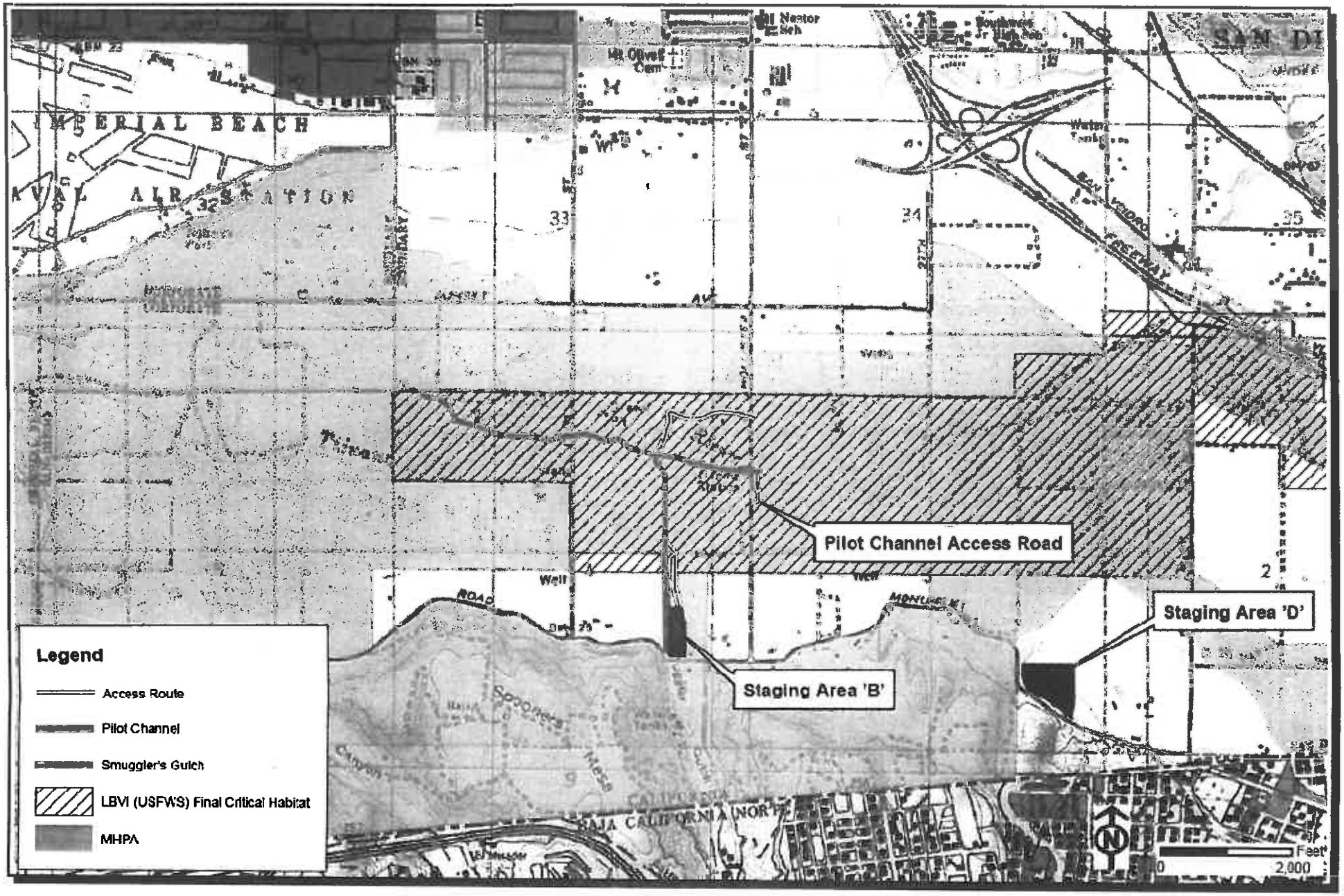
H-3 As noted in Section V. of the Initial Study Checklist, based on the potential for buried prehistoric resources to be impacted during maintenance activities archaeological monitoring is required for the entire project scope (e.g., the Pilot Channel, Smuggler's Gulch and both Staging areas) which is clearly reflected in the Subject block of the MND and Initial Study checklist.



REGIONAL MAP

Tijuana River Pilot and Smuggler's Gulch Channels Maintenance / Project No. 230815

FIGURE 1



LOCATION MAP

Tijuana River Pilot and Smuggler's Gulch Channels Maintenance / Project No. 230815

FIGURE
2

CHANNEL IMPACTS AND MITIGATION MAP

Tijuana River Pilot and Smuggler's Gulch Channels Maintenance / Project No. 230815

FIGURE

3

INITIAL STUDY CHECKLIST

1. Project Title/Project Number: **TIJUANA RIVER PILOT AND SMUGGLER'S GULCH CHANNEL MAINTENANCE / Project No. 230815**

2. Lead Agency name and address: City of San Diego, Development Services Department, 1222 First Avenue, MS 501, San Diego, CA 92101

3. Contact person and phone number: Myra Herrmann, Senior Planner, (619) 446-5372

4. Project location: Tijuana River Pilot Channel -2336 Hollister Road, between Dairy Mart Road and Saturn Boulevard; Smuggler's Gulch and Staging Area B - 2100 Monument Road between Hollister Street and U.S./Mexico Border; and Staging Area D - 2950 $^{1}/3$ Monument Road between Dairy Mart Road and U.S./Mexico Border, San Diego, CA 91954.

5. Project Applicant/Sponsor's name and address:
   City of San Diego, Transportation and Storm Water Department, Strom Water Division
   Contact: Anne Jarque
   2781 Caminito Chollas, MS 44
   San Diego, CA 92105
   (619) 527-3131

6. General Plan designation: Open Space and Agriculture

7. Zoning: OF-1-1 and AR-1-1

8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation):

COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) to permit previous emergency work and on-going maintenance of the Tijuana River Pilot and Smuggler's Gulch channels to restore storm water conveyance capacities to reduce the risk of flooding to the surrounding properties.

The project primarily consists of maintenance dredging of the Pilot Channel and a portion of Smuggler's Gulch in the Tijuana River Valley. The Pilot Channel was initially constructed in 1993; Smuggler's Gulch, within the project site, is a historical agricultural ditch. Both channels had been inconsistently maintained since 1993 until emergency permits were issued to clear sediment and debris build-up resulting from heavy rains in 2009 and 2010. For purposes of the CDP/SDP application and to maintain clarity, the baseline for determining the extent of project impacts that have already occurred, as well as those that are anticipated under the project in the

future, are the conditions of the site prior to the emergency dredging that occurred in 2009 (i.e., September 2009).

Although largely similar in location and extent, variations exist between the project areas originally constructed in 1993, inconsistently maintained between 1993 and 2009, dredged in 2009, maintained in 2010, and the area proposed for future ongoing maintenance. For purposes of this CDP/SDP application, the project includes all components implemented in 2009 and 2010, and those maintenance areas that would be implemented in the future on an as-needed basis. For the Pilot Channel, these components are substantially similar to the original project constructed in 1993 and occupy a smaller overall footprint than what was authorized and constructed in 1993. The proposed maintenance project includes the annual excavation of approximately 10,000–30,000 cubic yards (cy) of materials (i.e., sediment and trash debris), occupying a total of 4.61 acres of jurisdictional waters, and includes the following project components: (1) the Pilot Channel (including reconstruction of a failed portion of the channel bank and use of three equipment turnarounds), (2) Smuggler's Gulch (including maintenance of a gabion rock mattress and an access ramp), and (3) several designated access routes and two staging areas (B and D). Each of these is discussed in more detail below:

Pilot Channel: An existing channel (previously permitted and constructed in 1993) would be reconstructed and maintained through implementation of the project. The project would include clearing and/or dredging within a 23-foot-wide corridor centered on the channel (approximately 5 feet deep with a 15-foot-wide channel bottom). The portion of the Pilot Channel that is within the project 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, for a total of 5,400 linear feet (2.85 acres). Grading to reconstruct the channel banks with compacted soil material may occur as needed.

A section of the channel bank, immediately west of the Hollister Street Bridge, currently requires repair to prevent the backflow of drainage into the Northern Channel. This repair would occupy an additional approximately 40-foot by 200-foot area (0.18 acre). Grading to reconstruct the channel bank would require using on-site soil materials.

Three equipment turnarounds (extending beyond the 23-foot-wide Pilot Channel maintenance corridor an additional 25 feet in width for a length of approximately 30 feet along the channel; 0.05 acre) are sited immediately adjacent to the Pilot Channel and would be utilized during the Pilot Channel maintenance. Two of the turnarounds are located west of the Pilot Channel confluence with Smuggler's Gulch and were constructed in 2009; the third turnaround is located east of this confluence and has yet to be constructed. All three turnarounds are necessary for equipment movements within the confined channel work area. The turnarounds would remain at the same exact location in perpetuity of the project.

Smuggler's Gulch: Smuggler's Gulch channel is an existing historical agricultural channel with manufactured berms and a channel bottom that is mostly unvegetated or vegetated with only herbaceous species. The project includes maintenance of portions of the channel located immediately north of Monument Road spanning to the Disney Crossing and continuing north to the confluence with the Pilot Channel. These two sections of Smuggler's Gulch total approximately 3,040 linear feet. The dredging would be limited to a footprint approximately 20 feet wide and would consist of dry excavation only (1.39~~40~~ acre). Also incorporated with the Smuggler's Gulch component is the cleaning of existing culverts under Monument Road and at the Disney Crossing. No permanent structures would be built in the channel.

At the confluence of Smuggler's Gulch and the Pilot Channel, the City maintains an existing gabion structure (previously permitted and constructed in 1998) located where Smuggler's Gulch widens to meet the Pilot Channel, an area of approximately 5,000 square feet. Maintenance may consist of excavating around the gabion to expose the structure and replacing the gabion to stabilize the area. The structure may need to be replaced periodically due to deterioration.

Staging Areas and Access Routes: Two staging areas would be used throughout the project for equipment and material staging. Dredge/excavation spoils would be stored/transferred to and from established best management practice (BMP) areas within the staging areas. Manual and mechanical separation of the spoil material may also occur to sort sediment, vegetation, trash, and tires. Staging Area B is east of and adjacent to Smuggler's Gulch. There is a permanent earthen berm between this area and Smuggler's Gulch protecting it from flooding. Permanent gated access to the staging area is from Monument Road. This area was initially used in 2001 and has continued to be used during each maintenance event both by the City and County of San Diego. No excavation or grading would be necessary in this area. There are no direct biological resource impacts associated with Staging Area B (4.68 acres).

Staging Area D is located south of Monument Road and adjacent to the City's South Bay Water Reclamation Plant. This area is not near enough to the channel maintenance areas to function as the single staging area for the project but 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. There are no direct biological resource impacts associated with Staging Area D (10.59 acres).

Two public roadways would be used during maintenance activities, Monument Road and Hollister Street. Monument Road is south of the site, spanning between two staging areas, and is used for hauling excavated materials from Staging Area B to Staging Area

D. Hollister Street is located east of the site and was traveled for transit between Staging Area B to the off-road access route in the Tijuana River Valley Regional Park (TJRVRP). Throughout the project, there shall be no construction-related road closures and both roads would remain open during construction activities. No impacts to biological resources would occur through the use of the Monument Road and Hollister Street access routes.

Three off-road access routes would be used during construction. One route runs west from Hollister Street to the TJRVRP entrance and then runs south to the confluence of the Pilot Channel and Smuggler's Gulch. The portion of this access route that runs from the Pilot Channel north to the TJRVRP is subject to erosion and sediment/trash deposition during heavy storms and therefore may require excavation in order to be used by equipment.

The second off-road route runs parallel to Smuggler's Gulch north of Staging Area B and allows access into Smuggler's Gulch channel via an access ramp on the east bank, immediately downstream of the Disney Crossing. The access ramp was constructed in 2009 and is a maintained feature of the project that allows construction equipment access to the channels during dredging while avoiding having the majority of the construction access occur north of the project site. This design feature was developed in 2009 per the direction of the U.S. Army Corps of Engineers (ACOE). This access ramp is approximately 15 feet wide by 75 feet long and was constructed using on-site earth materials (i.e., excavation and re-contouring of the existing bank of the Smuggler's Gulch) within an area of disturbed, non-native vegetation.

The third off-road route is parallel with Hollister Street to the east and allows access to the portion of the Pilot Channel east of the Hollister Street Bridge. The route is approximately 15 feet wide and is an existing dirt road except for an approximately 45-foot-long section on the south bank of the Pilot Channel where existing wetlands vegetation would be impacted to allow access to the area (0.02 acre). Throughout implementation of the project the dredged channels (i.e., Smuggler's Gulch and Pilot Channel) would be used for construction access and for hauling excavated materials.

9. Briefly describe the project's surrounding land uses and setting:

The Tijuana River Pilot and Smuggler's Gulch channels are generally located between Hollister Street and Monument Road within the Tijuana River Valley Community planning area. The United States (U.S.)/Mexican Border is directly to the south; the Pacific Ocean, Tijuana River National Estuarine Research Reserve and the City of Imperial Beach are directly to the west; the Otay-Nestor Community Planning Area is located to the north; and the San Ysidro Community Planning Area is located east of the project site. The project area is zoned OF-1-1 (Open Space-Floodplain) and AR-1-1 (Agricultural/Residential) within the City's Coastal Overlay Zone and is

designated for Open Space and Agricultural land uses as identified by the Tijuana River Valley Community Plan and Local Coastal Program. Both channels and Staging Area B are located within the City's Multiple Species Conservation Program's (MSCP)/Multi-Habitat Planning Area (MHPA) and the County of San Diego's Tijuana River Valley Regional Park. Staging Area B is located on City-owned property managed by the City's Transportation and Street's Division. Staging Area D is located on an undeveloped lot approximately ¼ mile east of the channel maintenance area on the City of San Diego's South Bay Water Reclamation Plant and is outside of the City's MHPA and the County's Regional Park.

The Pilot Channel and Smuggler's Gulch are located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and 100-year floodway. The Tijuana River enters the United States (U.S.) from the south in Mexico where the majority of the Tijuana River Watershed is located.

Smuggler's Gulch is a historical agricultural ditch that flows from the U.S./Mexico Border to the south in a northerly direction where it confluences with the Tijuana River Pilot Channel which flows from the east to the west. The County has been maintaining the portion of Smuggler's Gulch south of Monument Road to the Border; while the City of San Diego has maintained the portion of Smuggler's Gulch north of Monument Road.

The Tijuana River Pilot Channel was constructed by the City of San Diego in 1993, shortly after severe El Nino storms flooded the majority of the Tijuana River Valley. Just east of the Hollister Street Bridge, an erodible berm was constructed to allow low-flow (2-5 year storm events) runoff to be directed away from the Tijuana River's Northern Channel to the constructed Pilot Channel. High-flow (10-25 year storm events) runoff would overtop the erodible berm and flow into the Northern Channel which flows in a northwesterly direction to the Pacific Ocean. The maintenance area of the Pilot Channel starts approximately 100 feet east of the Hollister Street Bridge and then heads directly west approximately 5,400 feet where it ends at a point commonly known as "the plug". The surrounding land uses include active agriculture uses including private horse ranches/boarding stables and County-owned land that is leased for organic farming. Just north of the Pilot Channel and west of the Hollister Street Bridge located at 2310 Hollister Street is the County of San Diego Regional Park Visitor Center. The Regional Park also has various recreational uses such as hiking and horse trails throughout the Tijuana River Valley area.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

    - U.S. Army Corps of Engineers (Corps) – Section 404 Permit
    - Regional Water Quality Control Board (RWQCB) – Section 401 Water Quality Certification and Section 402 National Pollutant Discharge Elimination System (NPDES) Permit
    - California Department of Fish and Game (CDFG) – Section 1605 Streambed Alteration Agreement

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Population and Housing
☐	Agriculture and Forestry Resources	☐	Hazards and Hazardous Materials	☐	Public Services
☐	Air Quality	☐	Hydrology and Water Quality	☐	Recreation
☒	Biological Resources	☒	Land Use and Planning	☐	Transportation/Traffic
☒	Cultural Resources	☐	Mineral Resources	☐	Utilities and Service Systems
☐	Geology and Soils	☐	Noise	☒	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

The proposed project would not substantially affect a scenic vista, as no designated scenic vistas have been identified within the project site. Therefore, no impact would occur.

b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

The project site is not within a scenic highway corridor. Therefore, no impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐

The proposed project would entail the maintenance of existing storm water conveyance facilities, which would include removal of mature vegetation within the channel footprint. As the mature trees on the banks would remain in place, the visual character of the channel would not change substantially when viewed from off-site areas or trails. At these locations, the appearance of the channel would not be changed as mature trees on the channel banks would remain in place. In addition, the project site is not within a scenic vista or scenic highway corridor. Visual impacts associated with the proposed project would be less than significant.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Project maintenance would occur during daylight hours; therefore, no lighting would be required. Therefore, no associated light or glare impact is anticipated.

II. AGRICULTURE AND FORESTRY RESOURCES: In

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

The Pilot Channel and Smuggler's Gulch are existing flood control facilities. According to the Farmland Mapping and Monitoring Program of the California Resources Agency, the Tijuana River Valley is classified as Other Urban Lands and Built-up Lands. Maintenance activities would not impact Prime Farmland, Unique Farmland, or Farmland of Statewide Importance present in the vicinity of the project site. Therefore, no impact to such lands would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒

Staging Areas B and D are zoned AR-1-1 (Agriculture-Residential) but are undeveloped parcels that have not been used for any agricultural land uses. No Williamson Act contract land is present within in the project site. No impact to agricultural resources would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒

The project site is not designated or zoned for forest land, timberland, or timberland zoned Timberland Production. Therefore, implementation of the project would not conflict with existing zoning for such lands, and no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

As stated in Item II(c), the project site is not located in an area designated as forest land. Accordingly, project implementation would not convert any forest land to non-forest use, and no impact would occur.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

The project would improve the functionality of existing flood control facilities and would neither impact agriculture or forest lands nor introduce new elements into the landscape that would contribute to future conversion of agricultural use to non-agricultural use or forest land to non-

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

forest use. No impact would occur in this category.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations – Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

The project would result in improvements to existing flood control facilities. As discussed in Item XIII(a), the project would not result in population growth. Because the project does not include any growth-generating components, it would be consistent with projections contained in the City's General Plan, and therefore, consistent with the San Diego Association of Governments and San Diego County Air Pollution Control District forecasts. Because the project is consistent with the local general plan and the regional growth management plan, it would be considered consistent with the San Diego County Regional Air Quality Strategy and State Implementation Plan. Accordingly, project-related emissions are accounted for in the San Diego County Regional Air Quality Strategy and State Implementation Plan. No impact would occur because the project would not conflict with the applicable air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

No post-project emissions would be generated because use of the existing storm water facility would not emit any pollutants. During project implementation (i.e., maintenance), emissions associated with exhaust from construction equipment would be generated. Daily emissions would be relatively low because only a limited number of truck trips would be required to haul materials from the site, and only a few pieces of equipment would be active at any given time. The project would comply with the standard operating procedures and best management practices during channel maintenance which require water trucks to limit dust and air-borne pollutants. Accordingly, emissions associated with the project would be nominal and no significant air quality impact would occur.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				

As discussed in Item III(a), the project would be consistent with the San Diego County Regional Air Quality Strategy, which is intended to bring the San Diego Air Basin into attainment for all criteria pollutants. In addition, as discussed in Item III(b), daily emissions would be low, temporary in duration, and localized within the immediate project vicinity. Accordingly, cumulative impacts associated with air quality would be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒

The project would result in improvements to existing flood control facilities to prevent flooding. The project would comply with the standard operating procedures and best management practices during channel maintenance which require water trucks to limit dust and air-borne pollutants. Sensitive receptors, such as single-family residents nearby would not be affected by the project. No impact would occur.

e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

The project would not generate substantial odors. Diesel exhaust from construction vehicles may create odors noticeable by people adjacent to the site; however, the diesel exhaust odors would be temporary and minor, as described in Item III(d), above. No objectionable odors would be emitted post-project. Accordingly, impacts associated with odors would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

a) Have substantial adverse effects, 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	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
California Department of Fish and Game or U.S. Fish and Wildlife Service?				

The project occupies a total of 19.77~~88~~ acres. Within the project area are ~~4.61~~ 4.48-acres of designated wetlands, under the jurisdiction of the California Department of Fish and Game (CDFG) pursuant to the California Fish and Game Code, the U.S. Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act, and the City of San Diego pursuant to the City's Land Development Code, Biology Guidelines which establishes compliance with the California Coastal Act, Natural Communities Conservation Planning Act, and state and federal Endangered Species Acts. Table 1 lists the acreage of impacts by vegetation community/land cover type for each of the project components, based on vegetation that existed in September 2009. Since 2009, and in the future, maintenance impacts within the ~~4.61~~ 4.48-acre jurisdictional area consist mainly of unvegetated and immature herbaceous/disturbed vegetation.

Table 1

Summary of Impacts of Each Project Component by Vegetation Community/ Land Cover Type

Vegetation Community/Land Cover Type (City Biology Guidelines Habitat Type)	Pilot Channel[1]	Smuggler's Gulch[2]	Staging Area B	Staging Area D	Total
Giant Reed (Disturbed Wetland)	1.08	—	—	—	1.08
Herbaceous Wetland (Disturbed Wetland)	0.10	—	—	—	0.10
Disturbed Herbaceous Wetland (Disturbed Wetland)	0.01	—	—	—	0.01
Mulefat Scrub (Riparian Scrub)	0.04	—	—	—	0.04
Disturbed Mulefat Scrub (Riparian Scrub)	0.57	0.01	—	—	0.58
Open Channel (Natural Flood Channel)	0.28	1.38~~51~~	—	—	1.66~~79~~
Southern Willow Scrub (Riparian Scrub)	0.17	—	—	—	0.17
Disturbed Southern Willow Scrub (Riparian Scrub)	0.84	—	—	—	0.84
Jurisdictional Wetlands Subtotal	*3.09*	*1.39~~52~~*	—	—	*4.48~~61~~*
Disturbed Land (Disturbed)	0.02	~~0.05~~ 0.00	4.68	10.59	15.29~~34~~
Total	**3.11**	**~~1.57~~1.39**	**4.68**	**10.59**	**19.77~~95~~**

[1] Pilot Channel impacts include Pilot Channel dredging/maintenance, bank reconstruction area, three equipment turnarounds, and access immediately east of Hollister Street on the southern bank of the Pilot Channel.

[2] Smuggler's Gulch impacts include Smuggler's Gulch channel dredging/maintenance, maintenance of gabion riprap structure, and access ramp immediately downstream of the Disney Crossing on the eastern bank of Smuggler's Gulch channel.

The Pilot Channel was originally constructed in 1993 and conditioned to provide mitigation in the form of habitat creation at a varied ratio depending on suitability for the federally and state-listed endangered least Bell's vireo (*Vireo bellii pusillus*). An 11.02-acre mitigation site, located on the south side of the river valley, near the western terminus of the Pilot Channel, was

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

successfully constructed in 1995 and completed 5 years of monitoring in 2000. Permits for construction of the Pilot Channel vary in the accounting of impacts and mitigation; the highest acreage of impacts and mitigation are stated in the Streambed Alteration Agreement 5-683-93 issued by the CDFG, which allowed 3.3 acres of impact to be mitigated through the creation/restoration of 9.9 acres of riparian habitat. The footprint of the Pilot Channel portion of the project, as currently proposed (including turnarounds, access routes, and bank re-establishment), is 3.09 acres, which is within the 3.3 acres estimated as impacted in 1993. Therefore, the mitigation requirements for the original construction of the Pilot Channel project have been met. Smuggler's Gulch is a historical agricultural ditch that was constructed prior to environmental regulation of the loss of wetlands and therefore mitigation for its construction was not required.

Although both channels were constructed in a manner that would require ongoing maintenance given the hydrologic conditions of the area, maintenance was not previously permitted in accordance with City regulations. The proposed project includes maintenance impacts which were assessed in 2009 as well as 2010 and future ongoing maintenance. These impacts include ~~4.61~~ 4.48-acres of jurisdictional wetlands. In coordination with the ACOE and USFWS, additional mitigation in the form of exotics removal and control at a 2:1 ratio is required. This proposed mitigation is outlined in a Conceptual Wetlands Mitigation Plan (CWMP) (Dudek, August 2010) and a site-specific proposal prepared by Southwestern Wetland Interpretative Association (SWIA) (February 2011). The CWMP describes two areas of exotics removal and control: (1) channel areas within the project maintenance footprint and (2) additional areas outside the project maintenance footprint. The portions of the project that were subject to maintenance in 2009 and 2010 were subject to removal of invasive plant species per the CWMP. Additional invasive removal in areas outside the project maintenance footprint has yet to be implemented. It is expected that invasive species removal within these areas would be implemented following issuance of final environmental permits for the full project footprint. According to the current impacts assessment, a total of ~~4.61~~ 4.48-acres within the project footprint and ~~4.61~~ 4.48-acres outside of the project footprint (~~9.22~~ 8.96 acres) would be subject to invasive species control in accordance with the CWMP. With implementation of ~~9.22~~ 8.96 acres of exotic removal and control as proposed, impacts to biological resources incurred through ongoing maintenance including those impacts which occurred in 2009 and 2010, would be mitigated to a level less than significant.

Staging Areas B and D do not support any native biological resources, and therefore use of these areas does not result in direct impacts and does not require mitigation.

b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
See IV(a) above.				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
See IV(a) above.				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
See IV(a) above.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐

In addition to impacts and mitigation discussed in the response to IV.(a) above, the following Land Use Adjacency Guidelines from Section 1.4.3 of the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan apply to the project. Compliance with each guideline is provided in Table 2.

Table 2 Section 1.4.3 Land Use Adjacency Guidelines and Compliance	
Drainage 1. All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.	All maintenance of construction equipment (e.g., refuelling, oil changing, and hydraulic maintenance) would be conducted within designated BMP fortified areas in the staging areas or off site in a manner that would not allow the release of toxins, chemicals, petroleum production, etc., into the MHPA. The project includes control of exotics species (within and near the maintenance channels) to reduce the spread of these species in the area.
Toxics 2. Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.	See response above. In addition, staging areas include trash receptacles, which are regularly maintained. No domestic pets are allowed on the construction site.
Lighting 3. Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.	No lighting is used as part of the project.
Noise 4. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.	Project activities are limited to the non-breeding season in order that the effects of noise are not adverse.
Barriers 5. New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.	Not applicable.
Invasives 6. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.	The project includes the control of invasive species within the project footprint and adjacent areas.
Brush Management 7. New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to	Not applicable.

incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 would be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 would be increased by 30 feet, except in areas with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones would not be greater in size that is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area would be the responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques would not change from those required under existing regulations.	
Grading/Land Development 8. Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.	Not applicable.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

See IV(a) and IV(e) above.

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☒	☐	☐

The purpose and intent of the *Historical Resources Regulations of the Land Development Code (Chapter14, Division 3, and Article 2)* is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects, which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant. Eleven previously recorded prehistoric resources and seven previously recorded historic resources have been identified within the project APE. Because of the nature of the project area within a floodplain, which contains upwards of 8-10 feet of loose, sandy sediment and urban hazardous trash from heavy rains, archaeological testing to identify intact portions of deeply buried prehistoric resources within the Pilot Channel and Smuggler's Gulch is infeasible. Therefore,

based on the potential that resources could be impacted with additional maintenance activities in both channels, archaeological and Native American monitoring is required. Implementation of the MMRP contained within Section IV of the MND would reduce potential impacts to archaeological resources to below a level of significance.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐

A records search was conducted in 2009 by ASM Affiliates to identify any previously or newly recorded cultural resources within the project APE which includes the Tijuana River Pilot Channel, Smuggler's Gulch and Staging Area's B and D. A total of 11 prehistoric resources (including one isolate) and seven historic resources have been recorded within the project APE. Seven of the previously recorded prehistoric sites have been heavily disturbed by natural processes and mechanical activities such as road grading and agriculture and are considered to be out of context. Two sites (CA-SDI-10,487 and CA-SDI-10669) were also identified within the project APE in 2009 but no field surveys were conducted at that time. At the time these sites were recorded, both appeared to contain cultural materials consisting of marine shell, lithic artifacts and could possibly still contain deeply buried intact deposits.

The 2009 records search also indicates that SDI-10,669 has also been referred to as the "Sancti Spiritu" site mentioned by Father Juan Crespi. None of the seven previously recorded historic resources would be adversely affected by the maintenance activities associated with the project. In 2011, the records search was updated and no new resources were recorded between 2009 and 2011 for the two channels or Staging Area B. However, one site (CA-SDI-13,486 and also encompasses an earlier site CA-SDI-13,527) was identified that covers approximately 75% of Staging Area D and consists primarily of shell and lithic artifacts. The portion of Staging Area D to be utilized for this project has been heavily disturbed as a result of stockpiling efforts from the 2009 and 2010 rainy season dredging activities and was not resurveyed for this project. Although impacts to Staging Area D should be minimal, archaeological and Native American monitoring is required during any maintenance activities at this location.

Staging Area B was surveyed in May 2011 by ASM Affiliates and Native American consultant, Clint Linton from Red Tail Monitoring and Research, Inc. This staging area is currently in use for stockpiling of soil from prior channel dredging and is devoid of vegetation. Visibility was nearly 100% and no surface resources were observed. No resources would be impacted at this location, provided that no excavations are conducted in this area and no further work is recommended at this location. Therefore, based on the potential that resources could be impacted with additional maintenance activities in both channels and at Staging Area D, archaeological and Native American monitoring is required. Implementation of the MMRP contained within Section IV of the MND would reduce potential impacts to archaeological resources to below a level of significance.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

The City of San Diego's CEQA Significance thresholds state that grading which exceeds 1,000 cubic yards with 10 feet of depth has the potential to adversely affect paleontological resources (high and moderate resource potential) and monitoring would be required. The proposed project would be limited to on-going removal of accumulated sediment and vegetation within existing flood control facilities. Impacts would be limited to accumulated sediment and would not impact any formations known to contain sensitive paleontological resources. Accordingly, no impacts to paleontological resources or unique geologic features are anticipated.

d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Although records searches for the project area did not indicate that human remains have been encountered during previous dredging activities in the Pilot Channel, in Smuggler's Gulch or at either of the staging areas, archaeological and Native American monitoring is required during continued maintenance activities where known resources have been recorded. Implementation of the archaeological monitoring program as detailed in Section V. of the MND, which includes all required provisions for the treatment of human remains in accordance with the California Public Resources Code and the California Health and Safety Code including consultation with the state designated Native American MLD will reduce potential impacts to below a level of significance.

VI. GEOLOGY AND SOILS –
Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

No active known faults traverse the project site. Therefore, impacts related to fault rupture from implementation of the proposed project would be less than significant.

ii) Strong seismic ground shaking?	☐	☐	☐	☒

The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. The proposed project would result in improvements to existing flood control facilities by restoring conveyance capacities to reduce the risk of flooding. Accordingly, no impact would occur.

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒

As discussed in Item VI(a)(ii) above, no impact would occur.

iv) Landslides?	☐	☐	☐	☒

As discussed in Item VI(a)(ii) above, no impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Potentially significant erosion and sedimentation impacts would be associated with the following maintenance activities: (1) use of mechanized equipment to remove accumulated sediments and (2) construction of access ramps. Grubbing within unlined portions of the channel would create the greatest potential for erosion however proper erosion control measures and minimization Best Management Practices would be implemented to reduce erosion impacts to less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒

As discussed in Item VI(a)(ii) above, no impact would occur.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

The project does not propose the placement of any structures on expansive soils. Therefore, no impact would occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative	☐	☐	☐	☒

waste water disposal systems where sewers are not available for the disposal of waste water?

The project does not propose the use of septic tanks or alternative wastewater systems. No impact would occur.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

The City is utilizing the California Air Pollution Control Officers Association (CAPCOA) report "CEQA and Climate Change" (CAPCOA 2009) to determine whether a greenhouse gas (GHG) analysis is required for proposed projects. The CAPCOA report references a 900-metric ton guideline as a conservative threshold for requiring further analysis and possible mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use associated with projects, and other factors.

CAPCOA identifies project types that are estimated to emit approximately 900 metric tons of GHG's annually. This 900-metric ton threshold is roughly equivalent to 36,000 square feet of office space, 11,000 square feet of retail, 50 residential units, or 6,300 square feet of supermarkets.

~~GHG emissions associated with the proposed project are confined to emissions associated with maintenance activities for removal of accumulated materials in an existing storm water facility. GHG emissions would be associated with the project through use of heavy equipment and vehicle trips. Emissions of GHGs would be short term and temporary (approximately six months). Therefore, the project is not anticipated to exceed the City significance threshold, and impacts associated with GHG emissions would be less than significant.~~

GHG emissions associated with the proposed project would result from the following: truck trips required to haul material between staging areas, a D-9 dozer needed to cut sediment and excavate material, an excavator to load dump trucks, and personal vehicle trips limited to a few crew members operating machinery or managing the stockpiles. For the purposes of modeling, it was assumed that approximately 30,000 cubic yards of material would need to be hauled out of the Pilot Channel and Smuggler's Gulch over a 6-month period each year. Additionally, it was assumed that one dozer and one excavator would be operating onsite on a daily basis over the course of the 6-month maintenance period. These assumptions were utilized in the URBEMIS model in order to estimate CO_2 emissions. Additional details of the GHG modeling are included in the Greenhouse Gas Emissions Report (Dudek 2011). The proposed project's GHG emissions would be approximately 104 metric tons of CO_2E per year. As such, the proposed project's GHG emissions would not exceed the City's screening criteria of 900 metric tons of CO_2E per year, and the project will not require additional GHG analysis.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

As discussed in Item VII(a), the proposed project would result in negligible amounts of GHG emissions. The proposed project would not result in emissions that would adversely affect state-wide attainment of GHG emission reduction goals, as described in Assembly Bill 32 and Executive Order S-21-09. Maintenance emissions would, therefore, represent a less than cumulatively considerable contribution to global climate change impacts. Accordingly, impacts would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

The proposed project would entail the maintenance of existing storm water conveyance facilities, which may include the removal of secondary hazardous materials or pollutants (e.g. tires) that have been carried downstream within both Smuggler's Gulch and the Pilot Channel. Materials may also have accumulated from urban runoff and include pesticides, herbicides, automobile by-products and other sources. Tires that are excavated would be separated and sorted from the sediment pile and disposed of appropriately. Any transport or storage of more than nine (9) tires would require a manifest to document the appropriate disposal and transport of material.

Excavated material may be taken to an appropriate disposal facility, such as the Miramar landfill. The City may also pursue other options of disposal which include beach sand replacement and the use of fill material to reclaim an abandoned quarry, known as the Nelson-Sloan Quarry site, to natural open space. The sediments would be tested as the material is processed to determine if any special handling and/or disposal methods are appropriate as defined by local, state and federal laws regulating the handling or disposal of hazardous materials. Prior to final placement of excavated soils; appropriate testing and sediment sampling would be conducted to reduce or minimize potential impacts from hazard materials to the public and the environment. Conformance with these regulations would avoid significant hazardous materials handling impacts.

<u>In the event that a health risk is encountered during maintenance activities, the contractor, along with City staff will be required to implement compliance measures for possible contaminants and/or contaminated groundwater in accordance with all applicable local (Whitebook specifications), state and federal regulatory requirements. If remediation necessitates the preparation of a Phase I or II environmental site assessment investigation, local, state or federal agency regulatory oversight would be required.</u>

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐

As discussed VIII(a); conformance with local, state, and federal laws regarding waste tire disposal and removal of contaminated dredged sediment would be required in order to avoid significant hazardous material impacts.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

No school is located within one-quarter mile of the project site. Therefore, no impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

The project site is not located on any hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impact would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

The project site is not located within the boundaries of an airport land use plan or within two mile of a public airport. Therefore, no impact would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

The project site is not located within the vicinity of a private airstrip. Therefore, no impact would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

The project would include maintenance of existing flood control facilities and is necessary to prevent and reduce the risk of flooding to the surrounding area. The project would not impair or physically interfere with an adopted emergency response or evacuation plan. The project would not block any roadways or access to buildings, and therefore would not obstruct emergency evacuation. Therefore, no impact to an emergency response or evacuation plan would occur.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

The project would include maintenance of existing flood control facilities and is necessary to prevent and reduce the risk of flooding to the surrounding area. The project area includes drainage/flood control channels which contain wetland vegetation which is not highly flammable. Therefore, the maintenance would not expose people or structures to a significant risk or loss, injury, or death involving wildland fires.

IX. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

The project area is located within the Tijuana River Watershed. The Tijuana River is listed on the State of California Regional Water Quality Control Board 303(d) Listing to be impaired for eutrophic, indicator bacteria, low dissolved oxygen, pesticides, solids, synthetic organics, trace elements, trash. The project, which is the excavation of sediment, vegetation, trash, debris within both Smuggler's Gulch and Tijuana River Pilot channel, would include the removal of

accumulated constituents of concern that flows downstream including but not limited to coliform bacteria, nutrients, trace metals, pesticides, miscellaneous toxics, low dissolved oxygen, and trash. The City would be required to comply with the Regional Board's Waste Discharge Requirements (WDRs) via a Clean Water Act 401 Certification for the operational and on-going channel maintenance activities and temporary stockpile areas. Compliance with local, state and federal regulatory requirements and implementation of avoidance and minimization measures, such as installation of appropriate Best Management Practices (BMPs) to control erosion, during maintenance would reduce impacts to less than significant impact.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒

The maintenance activities would not affect local groundwater supplies. The project would not require the use of local groundwater or otherwise impact the groundwater table. Accordingly, no impact to groundwater would occur from the proposed project.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off site?	☐	☐	☒	☐

The maintenance activities would remove accumulated sediment within existing flood control facilities constructed to carry runoff downstream within a Special Flood Hazard Area. The Pilot and Smuggler's Gulch channels carry approximate 2-5 year storm event flows. The maintenance activities within the channel would restore the channels' carrying capacity to reduce the risk of flooding to the surrounding area and would not change the natural drainage course. High-flows (10-25 years storm events) would typically flow into the Northern Channel of the Tijuana River; whereas the majority of the Tijuana River Valley is located within the Federal Emergency Management Area (FEMA) 100-year floodway. As indicated in Item IX(a), erosion control measures would be implemented, to reduce substantial erosion or siltation on or offsite from the proposed activities and temporary stockpile areas.

d) Substantially alter the existing	☐	☐	☐	☒

drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off site?

Due to the amount of sediment, trash and debris that gets deposited annually within the channels themselves, lack of maintenance or excavation/dredging of material within the Pilot Channel and Smuggler's Gulch may substantially alter the drainage pattern and increase the rate or amount of surface runoff in a manner which could result in flooding on- or off-site. The project area is known to flood adjacent properties due to a lack of maintenance and therefore, the project itself would improve the functionality of the existing flood control facilities and would reduce the risk of flooding in the immediate area. The proposed maintenance would remove accumulated sediment within existing flood control facilities constructed to carry runoff downstream within a Special Flood Hazard Area. The Pilot and Smuggler's Gulch channels carry approximate 2-5 year storm event flows. High-flows (10-25 years storm events) would typically flow into the Northern Channel of the Tijuana River; whereas the majority of the Tijuana River Valley is located within the Federal Emergency Management Area (FEMA) 100-year floodway. Therefore, the proposed maintenance of these existing flood control facilities would not increase the rate or amount of flooding on- or off-site but reduce the risk of flooding to the surrounding area.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒

As indicated in Item IX(d) above, the project itself would improve the functionality of the existing flood control facilities and would reduce the risk of flooding in the immediate area. Proposed maintenance would restore conveyance capacities to carry approximate 2-5 year storm event flows. Maintenance activities are not expected to create or contribute additional runoff water that would already be anticipated to flow within the channels themselves and no impact would identified.

f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

As described in section IX(a) above, the project would not substantially degrade water quality but improve the Tijuana River Watershed water quality objectives by removing accumulated pollutants and other constituents of concern that adhere to sediment, vegetation, trash and debris.

g) Place housing within a 100-year flood hazard area as	☐	☐	☐	☒

mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Portions of the Tijuana River Pilot Channel, Smuggler's Gulch, and Staging Area B are mapped within the FEMA's Special Flood Hazard Area (FIRM Panel 2162F). No housing or permanent structures are proposed, therefore no impacts are identified.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?	☐	☐	☐	☒

The project would not include the placement of structures that would impede or redirect flood flows. The maintenance activities associated with the Tijuana River Pilot Channel and Smuggler's Gulch would improve the functionality of existing flood control facilities, and would reduce the risk of flooding in the immediate area. Therefore, no significant impacts associated with flooding would occur. See IX(g) above.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

The project would improve the functionality of the existing flood control facilities by excavating accumulated sediment, vegetation, trash and debris to restore conveyance capacities. Based on the amount of annual deposition of material accumulated in the channels, the lack of maintenance could increase flooding risks or the frequency of flooding in the project area. See IX(d) above.

j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The project would include maintenance of existing flood control facilities. The project would not include any new project features that would increase the risk associated with a seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?	☐	☐	☐	☒

Maintenance of an existing flood control facilities would not divide an existing community. Therefore, no land use impact would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

The project would not conflict with any applicable land use plans, policies, or regulations. In fact, the project would implement the goals under Storm Water Infrastructure in the Public Services, Facilities, and Safety Element of the City's General Plan (April 2008). Therefore, no impact would occur. The Tijuana River Valley Land Use and Local Coastal Program include specific overall goals of providing flood protection and the project would help implement this overall goal.

The land use designation of the project site is Open Space and Agriculture, and the zoning designation of the project site is OF-1-1 (Open Space Floodplain) and AR-1-1 (Agriculture-Residential). These land use and zoning designations do not preclude maintenance of existing storm water facilities. The proposed project would not conflict with the existing zoning or general plan land use designation since project would entail the on-going maintenance of existing flood control facilities. Therefore, no impact would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☒	☐	☐

The project would not conflict with any applicable habitat conservation plan or natural community conservation plan which governs the site. The project incorporates the specific Management Directives identified in the City's MSCP Subarea Plan for the Tijuana River Valley as well as the requirement for implementing the applicable MSCP/MHPA Land Use Adjacency Guidelines for the project.

XI. MINERAL RESOURCES –
Would the project?

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

According to the State of California Division of Mines and Geology mapping, the project site is located within Mineral Resource Zone 2 (MRZ-2). Areas classified as MRZ-2 are areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence. Maintenance activities would result in the

dredging of sand, sediment and urban debris from the Pilot Channel and Smuggler's Gulch. Disposal of this material within the Tijuana River Valley would preclude any loss of the sand as a resource of value to the region. The City may also pursue an option to replenish beach sand with the excavated material from the Pilot Channel and Smuggler's Gulch once the sediment is screened and tested appropriately. Therefore, although the site it too small to support an economically viable mining operation, future disposal locations may include replenishment of beach sand and/or reuse as fill material for the Nelson Sloan Quarry site. Maintenance in and of itself would not significantly impact the availability of a known mineral resource that would be of value to the region and the residents of the state and therefore, no impact would result in this category.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒

The project area is not located within a mineral resource area delineated on a local plan, however, based on grain size and characteristics of the sediment and material excavated from the channels; future disposal locations may include replenishment of beach sand and/or reuse as fill material for the Nelson Sloan Quarry site. Maintenance would not significantly impact an important mineral resource.

XII. NOISE – Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ☐ ☐ ☒ ☐

Maintenance activities would produce elevated short-term noise levels that could potentially impact sensitive noise receptors. Maintenance activities would include the use of mechanized such as a bull dozer, loader, 18-yard rock trucks, 10 to 12-yard dump trucks, an excavator, and small skid-steers for earth-moving work; and chainsaws for vegetation trimming. The Federal Highway Administration's (FHWA) Construction Equipment Noise Levels and Ranges manual identify the equipment noise levels based on the FHWA manual as well as an estimate of percentage of time the equipment would be used during maintenance activities.

Table 3
Equipment Noise Levels

Equipment Type	Usage Factor	Noise Level (Spec. 721.560 L_{max} @ 50 feet (dBA, slow)
Dump Truck	40 %	84
Front End Loader	40%	80
Dozer	40%	85
Excavator	40%	85
Chainsaw	20%	85

Source: FHWA Construction Equipment Noise Levels and Ranges (August 2006)

The closest sensitive receptor to the project site would be a single-family residence located adjacent to Staging Area B where dump trucks and a front end loader may be used to process excavated material. The area work, however would be located approximately 50 to 100 feet away from the adjacent property line and would likely average 75 dB(A) over an 8-hour period. Equipment operation would also be limited to the 75 dB during the 12-hour period from 7:00 AM to 7:00 PM in conformance with San Diego Municipal Code Section 59.5.0404. Compliance with the City of San Diego Noise Control Ordinance and equipment equipped with proper muffling devices would reduce maintenance noise impact on sensitive receptors to a less than significant level.

b) Exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒

The project would not result in excessive groundborne vibration. While equipment in use during maintenance activities may result small levels groundborne vibration, these would be temporary, and likely indistinguishable by sensitive receptors in the surrounding area. Vehicle speeds would be limited to 20 MPH with speed-limit signage posted at the site entrance. The vast majority of maintenance activities are contained within the project footprint and existing access roads/trails and indirect vibration effects from the use of heavy equipment and trucks during maintenance activities are temporary and mitigated by implementing standard construction practices. Therefore, no impact associated with groundborne vibration would occur.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Project-related noise generation would be limited to short-term maintenance activities, with no permanent noise generating facilities or operations proposed. Therefore, no permanent noise impact would occur. See XII(a) above.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?	☐	☐	☒	☐

As discussed in Item XII(a), maintenance activities would comply with the City's Noise Control Ordinance and equip machinery with noise attenuating mufflers to reduce maintenance noise impacts to a less than significant level.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a	☐	☐	☐	☒

public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?

As a maintenance activity, the project would not involve facilities which would be used by workers or residence permenantly. Therefore, the maintenance project would not result in the exposure of people to aircraft noise.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The project is not located in the vicinity of a private airstrip. Furthermore, as discussed in Item XIII(e), the activity would not involve the placement of workers or residences.. Therefore, the maintenance would not have a significant noise impact with respect to a private airstrip.

XIII. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

The Tijuana River Pilot and Smuggler's Gulch channels provide flood control for the surrounding area. The surrounding properties include existing open space areas located within the County of San Diego Tijuana River Valley Regional Park and the Tijuana River Valley National Estuarine Research Reserve; the U.S./Mexico Border Infrastructure, and agricultural farms and horse ranches that may include single-family residences. The project would reduce flooding risks to these surrounding uses by restoring the channels' conveyance capacities and would not likely induce substantial population growth in the City.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The project would include the on-going maintenance of the Tijuana River Pilot and Smuggler's Gulch channel and does not include any project features that would displace existing housing. Therefore, the project would not result in an impact to housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

The project would improve the functionality of existing flood control facilities and does not include any project features that would displace any people necessitating the construction of replacement housing elsewhere. Therefore, the project would not result in an impact to population.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire Protection ☐ ☐ ☐ ☒

The project would not physically alter any fire protection facilities. Maintenance of existing flood control facilities would not require any new or altered fire protection services.

ii) Police Protection ☐ ☐ ☐ ☒

The project would not physically alter any fire protection facilities. Maintenance of an existing flood control facilities would not require any new or altered police protection services.

iii) Schools ☐ ☐ ☐ ☒

The project would place no demand on school services because it would not involve the construction of facilities that require such services (i.e., residences) and would not involve the introduction of a temporary or permanent population into this area.

iv) Parks ☐ ☐ ☐ ☒

The project would place no demand on parks because it would not involve the construction of

facilities that require parks (i.e., residences) and would not involve the introduction of a temporary or permanent population into this area.

v) Other public facilities	☐	☐	☐	☒

The project would not involve the introduction of a temporary or permanent human population into this area. Accordingly, the project would not result in any impacts to other public facilities. The proposed project itself would include the maintenance and operation of existing storm water facilities to restore adequate conveyance capacities to protect life and property by reducing flooding risk and/or the frequency of flooding in the surrounding area.

XV. RECREATION –

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

The project area is located within County of San Diego's Tijuana River Valley Regional Park which includes existing recreational uses such as hiking and equestrian trails. Maintenance of the Pilot Channel and Smuggler's Gulch would allow existing trails to be used frequently by visitors and recreational users but the project itself would not substantially deteriorate the park use. Therefore, no impacts are anticipated to physically deteriorate such recreational facilities or existing trails.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

The project would not result in the construction or expansion of new or existing recreational resources. No impact would occur. See XV(a) above.

XVI. TRANSPORTATION/TRAFFIC – Would the project?

a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation	☐	☐	☒	☐

including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Implementation of the project would temporarily result in nominal traffic to roadways associated with maintenance workers' personal vehicles, transportation of equipment to and from the site, and dump trucks taking accumulated material to an approved disposal site. This temporary and minor increase in traffic would not substantially add to the existing traffic volumes on roadways, nor would it affect existing or planned transportation systems. Maintenance activities would primarily occur from September to March. Based on the amount of excavated material anticipated to be removed annually; it may take approximately 18 dump truck trips a day to haul material from Staging Area B to Staging D on Monument Road. The personal vehicles would also be limited to a few crew members operating machinery or managing the stockpiles and BMPs. Mechanized equipment would be stored on-site during maintenance activities. Accordingly, traffic and circulation impacts would be less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒

The low volume and short-term nature of traffic related to the maintenance activitieswould not be sufficient to conflict with the congestion management plan. See XVI(a).

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

The project would include maintenance of existing flood control facilities. The project would not include any aviation components or structures where height would be an aviation concern and therefore would not affect air traffic patterns. No associated impact would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous	☐	☐	☐	☒

intersections) or incompatible uses (e.g., farm equipment)?

The project would include maintenance of existing flood control facilities. The project would not include design features that would affect traffic safety, nor would it cause incompatible uses (such as tractors) on local roads. Heavy mechanized equipment would be transported to the project site on a flat-bed truck. No associated impact would occur.

e) Result in inadequate emergency access?	☐	☐	☐	☒

The project would include maintenance of existing flood control facilities to prevent flooding to the surrounding areas. The project would not block any roadways or access to buildings, and therefore would not obstruct emergency access. No impact would occur.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

The project would have no impact on alternative transportation plans.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

The maintenance activities would not involve the construction of facilities that would generate sewage; therefore the project would not require the construction or expansion of any wastewater facilities or exceed applicable wastewater treatment requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

Staging Area D, which is a temporary stockpile area, is located on a City-owned undeveloped parcel managed by the Public Utilities Department adjacent to the South Bay Wastewater Treatment Plant. The project would not, however, require the construction or expansion of water or wastewater treatment facilities. Therefore, no associated impact would occur.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

The project would only maintain and improve the functionality of existing flood control facilities. The project would not involve the construction of new storm water drainage facilities or include the expansion of existing facilities. Therefore, no impact would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

The project would involve maintenance of existing flood control facilities. The project would not require new or expanded entitlements for water service. Accordingly, no associated impact would occur.

e) Result in a determination by the wastewater treatment provided which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

The project would not require or result in the construction of new wastewater treatment facilities or the expansion of existing wastewater treatment facilities. Accordingly, no associated impact would occur.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

The project includes several disposal options that could limit the amount of solid waste anticipated to be served by a landfill. Solid waste generation (including trash, debris, vegetation, and sediment) during maintenance activities would involve temporary stockpiling until final placement of fill on the beach or within the Nelson Sloan Quarry have been permitted and approved by the appropriate regulatory agencies. Therefore, impacts to landfills would be less than significant.

g) Comply with federal, state, and local statutes and regulation related to solid waste?	☐	☐	☐	☒

The project would comply with all applicable, federal, state, and local statutes and regulations related to solid waste. No impact would occur.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

a) 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?	☐	☒	☐	☐

Implementation of the project would impact wetland habitat within the Pilot Channel and Smuggler's Gulch. The project APE also contains portions of an important examples of California history or prehistory which could be effected by maintenance activities and requires mitigation in accordance with CEQA, the Public Resources Code and the City's Historical Resources Regulations. Implementation of the Mitigation, Monitoring and Reporting Program detailed in Section V., of the MND would reduce direct impacts to biological and cultural resources to below a level of significance. Any degradation of the quality of the environment would be reduced to below a level of significance through implementation of mitigation measures identified in the MND.

b) 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 futures	☐	☒	☐	☐

projects)?

The proposed project could contribute to cumulative effects associated with criteria air pollutants and GHG emissions. Due to the low daily emissions and their temporary nature, however, the proposed project's incremental contribution to impacts associated with air quality and global climate change would not be cumulatively considerable.

Storm water maintenance activities are anticipated to generate the following three primary types of materials requiring disposal: dredge spoil, vegetation, and rubbish. When compiled with other solid waste deposited into local landfills, the disposed materials associated with the proposed project would contribute to cumulative impacts; however, the following project features could reduce cumulative impact to a less than significant:

- Compostable green waste material would be taken to an approved composting facility.
- Soil, sand and silt would be screened to remove waste debris and re-used as fill material, aggregate or other raw material.
- Waste tires would be separated and transported to an appropriate disposal facility. If more than nine tires are in a vehicle or waste bin at any one time, they would be transported under a completed Comprehensive Trip Log (CTL) to document that the tires were taken to an appropriate disposal facility.
- Hazardous materials encountered during maintenance would be logged and transported under a hazardous materials manifest to an approved hazardous waste storage, recycling, treatment or disposal facility. Personnel handling hazardous materials would have appropriate training. Hazardous materials (e.g., machine oil, mercury switches and refrigerant gases) would be removed from appliances and disposed of properly.

Impacts associated with archaeological resources are individually significant and when taken into consideration with other past projects, current projects and probable future projects in the vicinity, do contribute to a cumulative impact; specifically with respect to non-renewable resources. However, with implementation of the Mitigation, Monitoring and Reporting Program detailed in the MND, information associated with these resources will be collected, catalogued and included in technical reports available to researchers for use on future projects, thereby reducing the cumulative impact to below a level of significance. See Section V.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

The project would not consist of any use or any activities that would negatively affect any persons in the vicinity. In addition, all resource topics associated with the project have been analyzed in accordance with State CEQA Guidelines and found to pose no impact, less than significant impact, or less than significant impact with mitigation. Consequently, the project would not result in any environmental effects that would cause substantial adverse effects on human beings directly or indirectly; therefore, no impact would occur.

INITIAL STUDY CHECKLIST
REFERENCES

I. AESTHETICS

_X_ City of San Diego General Plan.
_X_ Community Plan.
_X_ Local Coastal Plan.

II. AGRICULTURE AND FORESTRY RESOURCES

_X_ City of San Diego General Plan.
_X_ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
___ California Agricultural Land Evaluation and Site Assessment Model (1997).
_X_ Farmland Mapping and Monitoring Program of the California Resources Agency
___ Site Specific Report: _____

III. AIR QUALITY

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.
_X_ Regional Air Quality Strategies (RAQS) - APCD.
___ Site Specific Report: _____

IV. BIOLOGICAL RESOURCES

_X_ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
_X_ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996.
_X_ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
_X_ Community Plan - Resource Element.
_X_ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
_X_ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
_X_ City of San Diego Land Development Code Biology Guidelines.
_X_ Site Specific Report: 1) Biological Resources Technical Report for the Tijuana River Valley Emergency Maintenance Project, Dudek, September 2009; 2) ERRATA to Biological Resources Technical Report for the Tijuana River Valley Emergency Maintenance Project, Dudek, September 2009; 3) Final Monitoring Report or the Tijuana River Valley Channel Maintenance Project (Dudek, September 2009) Dudek, July 2011; 4) Final Monitoring Report or the Tijuana River Valley Channel Maintenance Project, Dudek, June 2010; 5) Final Monitoring Report or the Tijuana River Valley Channel Maintenance Project, Dudek, February 2011; 6) Conceptual Wetlands Mitigation and Monitoring Plan for the Tijuana River Valley Emergency Maintenance Project, Dudek,

December 2009; 7) Conceptual Wetlands Mitigation and Monitoring Plan for the Tijuana River Valley Emergency Maintenance Project, Dudek, August 2010; 8) ERRATA Biological Resources Technical Report and Conceptual Wetlands Mitigation Plan for the Tijuana River Valley Channel Maintenance Project, Dudek, August 2011.

V. CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES AND PALEONTOLOGICAL RESOURCES)

___ City of San Diego Historical Resources Guidelines.
_X_ City of San Diego Archaeology Library.
___ Historical Resources Board List.
___ Community Historical Survey: _____
_X_ City of San Diego Paleontological Guidelines.
___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
___ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.
___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.
_X_ Site Specific Report: 1) Records Search, ASM Affiliates, September 23, 2009; 2) Records Search Update for the Tijuana River Pilot Channel Maintenance Dredging Project, ASM Affiliates, June 13, 2011; 3) A Negative Archaeological Survey Report for the Tijuana River Pilot Channel Maintenance Dredging Project, ASM Affiliates, Inc., June 2011.

VI. GEOLOGY AND SOILS

___ City of San Diego Seismic Safety Study.
___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
___ Site Specific Report: _____

VII. GREENHOUSE GAS EMISSIONS

_X_ Site Specific Report: GHG Analysis Memo, Dudek, July 2011.

VIII. HAZARDS AND HAZARDOUS MATERIALS

_X_ San Diego County Hazardous Materials Environmental Assessment Listing.
_X_ San Diego County Hazardous Materials Management Division.
_X_ CalRecycle Waste Tire Manifest Program.
___ FAA Determination.
___ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized.

_X_ Airport Land Use Compatibility Plan.
___ Site Specific Report: _____

IX. HYDROLOGY AND WATER QUALITY

_X_ Flood Insurance Rate Map (FIRM).
_X_ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
_X_ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html.
_X_ Site Specific Report: 1) Two Alternative Report Flood Control and Infrastructure Study, BSI Consultants, November 1994; 2) Tijuana River Valley Emergency Channel Maintenance Water Quality Plan, City of San Diego, October 1, 2009.

X. LAND USE AND PLANNING

_X_ City of San Diego General Plan.
_X_ Community Plan.
___ Airport Land Use Compatibility Plan.
_X_ City of San Diego Zoning Maps.
___ FAA Determination.

XI. MINERAL RESOURCES

_X_ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.
_X_ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.
___ Site Specific Report: _____

XII. NOISE

_X_ Community Plan.
___ San Diego International Airport - Lindbergh Field CNEL Maps.
___ Brown Field Airport Master Plan CNEL Maps.
___ Montgomery Field CNEL Maps.
___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
_X_ City of San Diego General Plan.
_X_ Site Specific Report: Federal Highway Administration Construction Equipment Noise Levels and Ranges, FHWA, August 2006.

XIII. POPULATION AND HOUSING

_X_ City of San Diego General Plan.
_X_ Community Plan.
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___ Other: _____

XIV. PUBLIC SERVICES

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XV. RECREATION

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_X_ Department of Park and Recreation.
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XVII. UTILITIES AND SERVICE SYSTEMS

___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.
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