



THE CITY OF SAN DIEGO

## MITIGATED NEGATIVE DECLARATION

Project No. 520687  
SCH No. 2017021052

**SUBJECT: MISSION BAY PARK NAVIGATIONAL SAFETY DREDGING:** A SITE DEVELOPMENT PERMIT (SDP) for 63 acres of dredging within Mission Bay and impacts to wetlands. Proposed work includes maintenance dredging, reuse of dredged sediment, and temporary staging areas within bay water and vacant upland within 76 acres of bay water and sand beach. The impact to 43 acres of eelgrass will be restored post-construction. The project site is located within the Mission Bay Park community area and City Council District 2.

**UPDATE: The Mitigated Negative Declaration (MND) and Initial Study have been revised to address comments that were provided by the U.S. Fish and Wildlife Service on the draft MND; however, these revisions are clarifications and amplifications to the analysis and conclusions of the draft MND. The physical scope of the project, project environmental impacts, proposed mitigation measures, and conclusions of the draft Mitigated Negative Declaration are not substantially affected by the revisions. Therefore, recirculation of the draft MND is not required pursuant to Section 15073.5 of CEQA Guidelines. Double underline has been used to denote additions to the MND and Initial Study and strikethrough has been used to denote deletions from the MND and initial study.**

- 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 project could have a significant environmental effect in the following areas(s): **Biological Resources, Water Quality and Land Use (MHPA Adjacency)**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates 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:

**A. GENERAL REQUIREMENTS – PART I  
Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, 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 are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project 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.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

**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:

***Qualified Biologist***

**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, Project Tracking System (PTS) #520687 and /or Environmental Document # 520687, 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.

***Not Applicable***

**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.

**NOTE:**

**Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

**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:



<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Apv l</i>	<i>Notes</i>
Pre Con Meeting	Request letter	MMC approval	3 days prior to pre con
Biology	Consultant Qual. Letter	MMC approval	
	Bio. Monitoring Exhibit.	MMC approval	
	Protocol or other Survey	MMC approval	
Biology	Limit of Work Ver. Letter	MMC inspection	
Final approval	Request for Final	Final inspection	1 week after request
Bond Release	Request letter	LEMA verification	2 week minimum LEMA

### C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

#### BIOLOGICAL RESOURCES

#### 1. BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

##### I. Prior to Construction

- A. **Biologist Verification** -The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological



mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

- E. **Avian Protection Requirements** - To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan 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.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
- F. **Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** -Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring**- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via



the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

### III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

## 2. SHALLOW BAY - EELGRASS

To mitigate potential direct impacts to eelgrass to a less than significant level the following measures shall be implemented for the proposed project and the project shall implement all of the requirements of the Eelgrass Mitigation and Monitoring Plan in Support of the Mission Bay Park Navigational Safety Dredging Project, Mission Bay, San Diego, CA (Merkel & Associates 2016).

- I. Shallow - Bay Eelgrass that is impacted by the proposed project shall be replaced by planting eelgrass at a minimum rate of 1.38 acres for each 1 acre of impact. For the estimated project impact of 42.93 acres, this equates to an initial planting of 59.24 acres of eelgrass.
- II. The minimum overall success rate of eelgrass planting at the end of the monitoring period shall be a ratio of 1.2:1 which equates to 51.51 acres of eelgrass.

## 3. LEAST TERN

The following measures shall be implemented for the project to protect against detrimental edge effects to least terns:

- I. Dredging should occur from September 15 to March 31 to avoid the least tern nesting season
- II. If in-water construction must occur during the least tern nesting season (April 1 to



September 15), the City should implement the following measures:

- A. Beginning April 1, the City will have a least tern biologist monitor daily for the arrival of least terns into Mission Bay, and immediately notify the Service upon their arrival. The City will coordinate with other least tern monitors in Mission Bay. The City will notify the Service via email on a daily basis as to the presence or absence of least terns in Mission Bay. The least tern biologist will be present throughout the period of in-water construction and will note the presence of least terns in Mission Bay and the work area.
- B. The City will provide a biological monitor with least tern experience on all days when in-water work is conducted after least terns arrive in Mission Bay. The biological monitor will be present throughout the period of in-water construction and will note the presence of least terns in Mission Bay and the work area, and any project-generated surface turbidity. Surface turbidity is defined as an obvious discoloration of the top 10 feet of the water column visible to the human eye. Project-generated surface turbidity shall not exceed 500 feet in length or width, or persist longer than 1 hour.
- C. In the event project-generated surface turbidity exceeds 500 feet in length or width or persists longer than 1 hour, the biological monitor will be empowered to stop project activity to allow the plume to dissipate. The biological monitor will contact the City and Service immediately after construction has been stopped. Construction will not resume until approved by the City and the Service.
- D. The biological monitor will provide daily field reports to the City and Service within 24 hours of each monitoring date. The daily field reports will include photographs showing the best management practices surrounding the work area taken during in-water work, and any incidences of plume escape or expansion outside of the silt curtain. The biological monitor will also submit a final summary report of monitoring to the City and Service within 30 days of completion of in-water work.

## **LAND USE ADJACENCY**

### **1. MSCP SUBAREA PLAN -LAND USE ADJACENCY GUIDELINES (FOR WORK WITHIN 100 FEET OF THE MHPA)**

- I. Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency



Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

- A. **Grading/Land Development/MHPA Boundaries** - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- B. **Drainage** - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- C. **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*
- D. **Lighting** - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Barriers** - New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- F. **Invasives**- No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- G. **Brush Management** -New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush



management zones will not be greater in size than 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 and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.

- H. **Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons. If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

## WATER QUALITY

### 1. Water Quality

- I. The proposed work has the potential to result in short-term increases in localized turbidity in the area of project dredging and material placement for beneficial reuse. In order to minimize the potential for adverse effects of increased turbidity measures shall be taken to control turbidity generation around the dredge to an extent of not more than 500 feet of a visible turbidity plume from the dredge. Because work is needed in areas of high current flow, it is anticipated that the local turbidity plume may elongate rather than spreading radially around the dredge or fill location. Should this occur, the contractor shall be held to a comparable plume area as a radial plume of 500 foot radius, but may measure the plume as an elongated feature using the long and short axis to calculate the area of the plume as an ellipse.
- II. Should water quality limits be exceeded, the contractor shall be required to stop dredging or placing, slow the rate of work, move to a new location to work until a tidal change, or take other corrective actions to get the turbidity levels back in check.
- III. The upland staging area shall be stabilized with appropriate BMPs including a stabilized entrance, silt curtains on the staging area perimeter, and fiber rolls as appropriate to the use. Upon vacating the site the staging area will be stabilized in accordance with the project WPCP.
- IV. The distance from dredging that the plume would be allowed to extend is no more than 500 feet down-current from the dredge.



- V. If the plume extends greater than 500 feet then adaptive management measures would need to be taken to control turbidity generation. This may include slowing the dredging or placement rate, altering the excavation bucket or swing speed in hydraulic dredging, or increasing the intake pump speed relative to the cutter head rotation speed. If such measures are not effective at reducing the scale of the plume back to less than 500 feet within an hour, then work would be subject to modified in location or temporary cessation until the conditions improve. It may be necessary for a contractor to only work on some portions of the shoals during neap tides where the tidal flow spread of turbidity is minimized.
- VI. Turbidity curtains may be used at the Sail Bay reuse site where placement is through a hydraulic discharge or where bottom dump scows are used to place material over discrete portions of the site. The necessity of the curtain will be determined based on early evaluation of the turbidity generation against the 500 foot plume metric. Because the receiver sites are contained by existing topography, it is expected that subsurface placement will result in minimal turbidity spread. This being said, the Sail Bay receiver sites are far enough removed from tidal influence that these areas may support use of turbidity curtains if required by failure of the visible plume metric.
- VII. If turbidity curtains are employed, they shall be of a porous nature, allowing movement of water through the curtain, but retaining fine fraction sediments. This will minimize pressure differential within and outside of the turbidity curtains and potential for curtain ground chain drag.
- VIII. Monitoring of the dredging and placement will be completed in order to ensure that water quality action triggers are identified and that actions are taken to resolve exceedances, should they occur. The monitoring program will follow that generally employed for dredging program with more intensive monitoring early in the dredge cycles to assist in identifying problems and assessing adaptive management actions. As the program is developed, monitoring will shift to weekly monitoring. The shift from daily to weekly monitoring will occur after the Contractor has managed to maintain consistent compliance over three consecutive daily monitoring intervals. If the Contractor falls out of compliance during a weekly monitoring interval, then the daily process will commence again until three consecutive monitoring events have been in compliance.

VI. PUBLIC REVIEW DISTRIBUTION:

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

City of San Diego  
Councilmember Zapf - District 2  
Mayor's Office



City Attorney's Office (MS 59)  
Development Services (501)  
Mark Brunette, EAS  
Angela Nazareno, Project Management  
Engineering and Capital Projects (908A)  
George Freiha  
Tamara Miller  
James Arnhart  
Planning Department  
Kristy Forburger  
Facilities Financing, Tom Tomlinson (93B)  
Water Review, Medhi Rastakhiz (86A)  
Library Dept. – Government Documents (81)  
San Diego Central Library (81A)  
Pacific Beach/Taylor Branch Library (81X)

Biological and Jurisdictional Resources

U.S. Army Corps of Engineers (26)  
Regional Water Quality Control Board, Region 9 (44)  
US Fish & Wildlife Service (23)  
California Dept. of Fish & Wildlife (32)  
Sierra Club (165)  
San Diego Audubon Society (167)  
Mr. Jim Peugh (167A)  
California Native Plant Society (170)  
Endangered Habitats League (182A)

Others

Mission Beach Precise Planning Board (325)  
Surfers Tired of Pollution (318)  
Mission Bay Park Committee (318A)  
San Diego Coastkeeper (319)  
Pat Gallagher (322A)  
Mission Bay Lessees (323)  
Citizens Coordinate for Century 3 (324A)  
Beach and Bay Press (372)  
Friends of Rose Canyon (373)  
Pacific Beach Town Council (374)  
Pacific Beach Planning Group (375)  
Crown Point Association (376)  
Pacific Beach Historical Society (377)

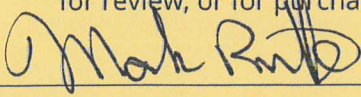
VII. RESULTS OF PUBLIC REVIEW:

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



- ( ) Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

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.



Mark Brunette, Senior Planner  
Development Services Department

February 15, 2017  
Date of Draft Report

May 3, 2017  
Date of Final Report

Analyst: Mark Brunette

Attachments: Location Map  
Key Map  
Initial Study Checklist





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Ave, Suite 250  
Carlsbad, California 92011



In Reply Refer To:  
FWS-SDG-17B0140-17TA0602

Mr. Mark Brunette  
Senior Planner  
Department of Development Services  
Environmental Analysis Section  
1222 First Avenue, MS 501  
San Diego, California 92101

March 24, 2017  
Sent by Email

Subject: Comments on the Draft Mitigated Negative Declaration for the Mission Bay Navigational Safety Dredging Project (Project No. 5206687)

Dear Mr. Brunette:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced Draft Mitigated Negative Declaration (DMND) dated February 15, 2017. The public review period for this DMND ended on March 17, 2017. The Service appreciates the time extension until March 24, 2017, granted by the City of San Diego (City) for providing comments to the DMND. The comments and recommendations provided herein are based on information in the DMND, the *Biological Resource Letter Report Mission Bay Navigational Safety Dredging Project* (Merkel 2016a), the *Final Eelgrass Mitigation and Monitoring Plan in Support of the Mission Bay Park Navigational Safety Dredging Project Mission Bay, San Diego, California* (Merkel 2016b), our knowledge of the biological resources of the project area, and our participation in implementation of the Multiple Species Conservation Program (MSCP) and the City's MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Act, including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The City participates in the Service's HCP Program by implementing its SAP.

The project site is located within the City's 4,600-acre Mission Bay Park, San Diego California. Mission Bay is bounded by Interstate 5 to the east, Interstate 8 to the south, and the developed communities of Pacific Beach, Mission Beach, and South Mission Beach to the north and west.

The City proposes to dredge 23 areas totaling 63.36 acres, within an 82.83-acre work area that includes beach, vegetated shallow subtidal habitat (eelgrass beds) and unvegetated shallow

1) The summary of the project presented is correct, except that impacts and mitigation are provided as estimates based on the 2013 eelgrass survey results. Under the California Eelgrass Mitigation Policy (CEMP) (NOAA 2014), impacts are to be mitigated based on pre-dredging and post-dredging comparisons and thus the specific impact acreage and requisite mitigation are provided as estimates that will be verified and adjusted at the time of project implementation. A second clarification is also warranted. In order to meet the mitigation requirements under the CEMP, the City must achieve a 1.2:1 ratio of successfully established eelgrass to impacted eelgrass. This totals 51.51 acres if the ultimate impact of 42.93 acres of impact occurs. However, under the CEMP, the initial restoration effort needs to target a goal of 1.38:1 based on southern California regional success rates. As a result, the initial project restoration goal is 1.38:1 with a mitigation success requirement of 1.2:1. The requirement may be met by inclusion of eelgrass already existing within the Mission Bay Mitigation Bank.



Mr. Mark Brunette (FWS-SDG-17B0140-17TA0602)  
subtidal habitat. In addition, the project includes a 1.55-acre staging area of at the South Shores parking lot and two (2.5 acres total) on-water staging areas. The project will dredge approximately 122,000 to 220,850 cubic yards of material which will be used onsite to fill beaches and previously dredged borrow sites totaling 19.47 acres in Mission Bay. Approximately 42.93 acres of eelgrass will be impacted by the project. To mitigate eelgrass impacts, the project will plant 51.51 acres of eelgrass habitat at dredged areas and at filled borrow sites consistent with the California Eelgrass Mitigation Policy and Implementing Guidelines (NOAA 2014), and using 13.0 acres of credits from the Mission Bay Mitigation Bank.

Mission Bay provides nesting and foraging habitat for the federally endangered California least tern (*Sterna antillarum browni*; least tern). Least terns migrate to nest in California in early April. They search for prey in flight, and forage for small, slender fish such as topsmelt (*Atherinops affinis*) and northern anchovies (*Engraulis mordax*) in shallow waters of bays, estuaries, and the nearshore ocean. Estuaries and seagrass beds are important habitats for prey of least terns and are thus also important to the least tern. Topsmelt spawn in estuaries on aquatic plants, especially eelgrass, and young anchovy move into shallow water such as bays and estuaries found along the coast. Least terns nest on beaches, sand bars, and salt flats, and lay eggs directly on the sand, in shallow nest scrapes that are adorned with shell fragments. Least terns have been displaced from many nesting beaches in southern California, including Pacific Beach and Mission Beach. As part of the *Mission Bay Natural Resources Management Plan* (City 1990), the City maintains five created least tern sites. These least tern sites require ongoing management including site preparation (vegetation and substrate management), minimization of human disturbances, monitoring, and predator management.

Our primary concerns with the proposed dredging project pertain to the potential effects to the least tern, particularly the potential of in-water construction impacts during the breeding season, and reduction of shallow foraging habitat for the least tern.

*Biological Resource Letter Report* states that potential impacts to least terns during construction will be avoided by completing dredging and filling activities between October and April outside of the least tern breeding season. However, we have not been able to find where this condition has been included in the DMND. Please revise the DMND to include this measure. In addition, the DMND should include the following conditions to be consistent with Appendix A of the City's SAP which requires the City to implement area specific management directives that protect against detrimental edge effects to least terns:

1. Dredging should occur from September 15 to March 31 to avoid the least tern nesting season
2. If in-water construction must occur during the least tern nesting season (April 1 to September 15), the City should implement the following measures:
  - a. Beginning April 1, the City will have a least tern biologist monitor daily for the arrival of least terns into Mission Bay, and immediately notify the Service upon

2) The USFWS reviewed the biological aspects of least terns and their primary prey items of small fish, followed by a summary of tern use in Mission Bay Park. The summary notes that the City under the Mission Bay Natural Resources Management Plan (City 1990) maintains five created least tern nest sites. This is not current information as under the NRMP, the Crown Point Shores site was required to be maintained for a period of time and if it was not used by terns, it could be modified to an alternative conserved habitat use. This site was repurposed as an intertidal habitat expansion area and became the Crown Point Shores Intertidal Mitigation Site (Stribley Memorial Marsh) in 1997. The remaining least tern sites in the Bay include Stoney Point, North Fiesta Island, FAA Island, and Mariner's Point.

3) The USFWS notes a primary concern with the proposed dredging pertaining to the potential effects to least tern, particularly of in-water construction impacts during the breeding season, and reduction of shallow foraging habitat for the least tern and notes an omission of information between the Biological Resources Letter Report and the DMND regarding timing of work. Specifically the Biological Resource Letter Report indicated that dredging and filling activities for the project would occur between October and April, outside of the least tern breeding season. This construction timing restriction was omitted from the DMND.

The timing as outlined in the Biological report is correct and dredging and fill placement work is scheduled to be completed outside of the least tern breeding season, although eelgrass planting will occur into the breeding season. This activity would be of a localized nature and would not generate turbidity or noise disturbance. It would be of a lower activity level than ambient summer uses on Mission Bay. The intent to continue eelgrass restoration into the least tern breeding season was discussed with the USFWS as they prepared this letter and the Service noted that their concern regarding work timing was particularly related to the dredging and filling activities. Corrections will be made to the MND.

The USFWS requested the inclusion of the applicable City Subarea Plan (SAP) specific management directives to protect against detrimental edge effects to least terns. These measures as outlined in the comment letter will be incorporated in the MND as applicable measures under the existing adopted SAP. As these measures have been adopted previously by the City Council, they do not constitute new mitigation, but rather will be implemented as environmental commitments of the project.



Mr. Mark Brunette (FWS-SDG-17B0140-17TA0602)

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their arrival. The City will coordinate with other least term monitors in Mission Bay. The City will notify the Service via email on a daily basis as to the presence or absence of least terms in Mission Bay. The least term biologist will be present throughout the period of in-water construction and will note the presence of least terms in Mission Bay and the work area.

b. The City will provide a biological monitor with least term experience on all days when in-water work is conducted after least terms arrive in Mission Bay. The biological monitor will be present throughout the period of in-water construction and will note the presence of least terms in Mission Bay and the work area, and any project-generated surface turbidity. Surface turbidity is defined as an obvious discoloration of the top 10 feet of the water column visible to the human eye. Project-generated surface turbidity shall not exceed 500 feet in length or width, or persist longer than 1 hour.

c. In the event project-generated surface turbidity exceeds 500 feet in length or width or persists longer than 1 hour, the biological monitor will be empowered to stop project activity to allow the plume to dissipate. The biological monitor will contact the City and Service immediately after construction has been stopped. Construction will not resume until approved by the City and the Service.

d. The biological monitor will provide daily field reports to the City and Service within 24 hours of each monitoring date. The daily field reports will include photographs showing the best management practices surrounding the work area taken during in-water work, and any incidences of plume escape or expansion outside of the silt curtain. The biological monitor will also submit a final summary report of monitoring to the City and Service within 30 days of completion of in-water work.

We have been coordinating with San Diego Audubon on the ReWild Mission Bay Project, which is a state and federally-funded project comprehensively planning for habitat restoration in northeast Mission Bay. The project planning incorporates restoration of 80 acres of wetlands at the outfall of Rose Creek and an upland habitat preserve east of Rose Creek, both of which are consistent with recommendations in the Mission Bay Master Plan Update (City 2002). We urge the City Planning Department to coordinate projects in northeast Mission Bay, including this dredging project and the DeAnza Revitalization Project, with the ReWild Mission Bay Project. The dredging project, particularly in dredging unit 12, should not negatively affect the likelihood of success of either of these habitat restoration efforts. To avoid potential negative effects, we recommend that the project provide additional buffers to potential restoration areas both east (including DeAnza Point and DeAnza Cove) and west (including and south of Campland) of Rose Creek to ensure that wave energy and water flows associated with deeper depths and resulting boat activity do not cause erosion or loss of the habitats to be restored. In addition, the City also should consider alternatives that retain the shoal located at dredging unit 12 while still providing adequate navigational safety for park visitors.

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4) The project is not proposing to dredge within the planning area for the Rose Creek Marsh or potential DeAnza Point area. While the areas located immediately at the mouth of Rose Creek are shallow, they are also proposed for the alternative marsh complex use under the Master Plan. The dredging within Area 12 is located off the shallowest bench at Rose Creek and well within the high speed navigation area of Fiesta Bay. Area 12 is located between 1200 and 1400 feet away from the Campland shoreline. The colored graphic within the DMIND (DMIND, page 11) unfortunately illustrated dredge area #12 closer to the mouth of Rose Creek than it is actually proposed. The second map (DMIND, page 12) from the Rick Engineering design plans correctly illustrates the location of the dredging. The MND will be corrected to more accurately depict the position of #12. The USFWS also noted that the dredge area should not negatively affect wave energy or water flow that may affect the success of the restoration efforts. While the present depths of the shoal are too shallow to be acceptable for high speed navigation, they are deep enough at present to not affect the short-period wind and wake wave environment in Fiesta Bay. As such, the removal of these shoals would not alter wave environments in the Bay. Further, the shoal does not affect the circulation patterns in Fiesta Bay due to the low velocity of water movement in this area. No additional buffer area is proposed as requested by the commenter because the work is explicit to the location within which hazards are to be removed. Similarly, no alternatives to the removal of the shoal are appropriate due to the nature of the shoaling constraint and the hazards they pose within the high speed area of Fiesta Bay. Because this is a maintenance dredging project, the work would not be to develop a new condition, but rather to restore prior conditions of the Bay suited to the existing water uses designated. It is believed that the concern raised in this comment is substantively resolved by correction of the plotting of the position of the dredge area #12. The correction does not alter the textual discussion as the error was limited to the graphic. Further, because this correction would lessen the concerns expressed by the commenter, the change is not viewed as substantive with respect to the presentation of the project.



Mr. Mark Brunette (FWS-SDG-17B0140-17TA0602)

We offer additional comments in the Enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with the City's SAP.

If you have questions or comments regarding this letter, please contact Patrick Gower at 760-431-9440, extension 352.

Sincerely,

Digitally signed by  
DAVID ZOUTENDYK  
Date: 2017.03.24  
15:58:36 -0700



for Karen A. Goebel  
Assistant Field Supervisor

Enclosure

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Mr. Mark Brunette (FWS-SDG-17B0140-17TA0602)

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LITERATURE CITED

- [City] City of San Diego. 1990. Mission Bay Natural Resources Management Plan. Prepared for City of San Diego Park and Recreation Department. 68pp.
- [City] City of San Diego. 2002. Mission Bay Park Master Plan Update. Adopted August 2, 1994. Amended July 9, 2002. 369pp
- [Merkel] Merkel and Associates Inc. 2016a. *Biological Resource Letter Report Mission Bay Navigational Safety Dredging Project*. Prepared for the City of San Diego. 46pp
- [Merkel] Merkel and Associates Inc. 2016b. *Final Eelgrass Mitigation and Monitoring Plan in Support of the Mission Bay Park Navigational Safety Dredging Project Mission Bay, San Diego, California*. Prepared for the City of San Diego. 91pp
- [NOAA] National Oceanographic and Atmospheric Administration. 2014. California Eelgrass Mitigation Policy and Implementing Guidelines. 47pp

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Enclosure

Comments and Recommendations on the Draft Mitigated Negative Declaration for the Mission Bay Navigational Safety Dredging Project

Draft Mitigated Negative Declaration (DMND)

1. Page 1 Project Description: The total acres provided in the project description do not match the total acres provided in Table 5 of the *Biological Resource Letter Report Mission Bay Navigational Safety Dredging Project*. The DMND states that the project will dredge the bay to the original survey elevations and utilize the dredged material to fill borrow sites in accordance with the Mission Bay Baseline Chart. The DMND and the Eelgrass Mitigation and Monitoring plan should include information on the original survey elevations in the Mission Bay Baseline chart and the project's consistency with these elevations.
2. Section 4: Water Quality I: The DMND should specify what measures will be implemented to reduce or control turbidity.
3. Page 9 Initial Study: The MND should include distances between the proposed dredging and sensitive resources, including least term nest sites.
4. The DMND should include information on the effects climate change and associated sea level rise will have on eelgrass in Mission Bay.
5. The DMND should prioritize FAA Island as a beneficial re-use site for suitable sandy substrate obtained during dredging operations. This measure would benefit least terms that nest in Mission Bay.
6. The DMND should provide a clearly labeled map and associated table that depict and quantify the acreage of each dredging, fill, and staging area.
7. The DMND should require that pre-project eelgrass surveys of the borrow sites that are proposed to be filled and planted to mitigate eelgrass impacts from dredging. Additional mitigation and/or alternative sites may be needed if these areas support eelgrass.
8. The DMND should require updated eelgrass surveys of the Eelgrass Mitigation Bank prior to any agreement to use bank credits.

Final Eelgrass Mitigation and Monitoring Plan:

9. Final approval of the Eelgrass Mitigation and Monitoring Plan should be coordinated with the Service, City, National Marine Fisheries Service and the California Department of Fish and Wildlife.
10. Page 5 and page 7: The Final Eelgrass Mitigation and Monitoring Plan should state that after the pre-dredging surveys are completed, the Service, National Marine Fisheries

- 5) The total acreage as presented on Page 1 in the project description is in error and the acreage on Table 5 of the Biological Resources Report are correct. The DMND presents a total acreage based on the erroneous addition of dredge and reuse areas as presented in the tables on the graphics of (DMND Page 12). However, there is a 7.1 acre overlap between dredge and beneficial reuse areas that are associated with the beach sand recapture and fill sites. As a result the total in-marine habitat impact area is 75.73 acres. This will be corrected and clarified in the MND.  
The Mission Bay Baseline Chart is the condition of Mission Bay at the time of construction and reflects a bottom elevation in the Bay that ranges from deeper areas west of West Mission Bay Drive such as the federal navigation channel, Mariner's Basin, and Quivira Basin (not part of the proposed work area) to bay floor elevations that were dredged to -8 feet MLLW within the inner recreational areas of the Bay. The proposed dredging would be to return elevations to the Baseline Chart elevations. The proposed project provides for a dredge floor of -8 feet MLLW (-10.5 feet NGVD) with a standard allowable overdredge of +2 feet to ensure that the minimum clearances are met.
- 6) Additional information will be provided in the MND. The dredging activities are generally located in areas subject to substantial tidal current in areas that support extensive eelgrass. In such environments, curtain drag on the bottom can result in eelgrass damage and pile or anchor supports required to retain curtains can be extensive, difficult to construct and very damaging to eelgrass that occurs outside of the dredge footprint where the curtain would need to be placed. Further, the stress on the curtain from flowing water pressures generally results in high incidents of turbidity curtain failures through ripping of the fabric, splitting seams, or lifting of the bottom. For these reasons, erection of turbidity curtains is not viewed as a practical turbidity control measure for the current work due to project scale and dredging locations. Instead, the turbidity controls measured to be applied are performance based measures. Specifically, this will be accomplished by using a limitation on the distance from the operations of the visible turbidity plume. Measures to be employed are as follows:
  - a) The distance from dredging that the plume would be allowed to extend is no more than 500 feet down-current from the dredge.
  - b) If the plume extends greater than 500 feet then adaptive management measures would need to be taken to control turbidity generation. This may include slowing the dredging or placement rate, altering the excavation bucket or swing speed in hydraulic dredging, or increasing the intake pump speed relative to the cutter head rotation speed. If such measures are not effective at reducing the scale of the plume back to less than 500 feet within an hour, then work would be subject to modified in location or temporary cessation until the conditions improve. It may be necessary for a contractor to only work on some portions of the shoals during neap tides where the tidal flow spread of turbidity is minimized.



Enclosure

Comments and Recommendations on the  
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6. The DMND should provide a clearly labeled map and associated table that depict and quantify the acreage of each dredging, fill, and staging area.
7. The DMND should require that pre-project eelgrass surveys of the borrow sites that are proposed to be filled and planted to mitigate eelgrass impacts from dredging. Additional mitigation and/or alternative sites may be needed if these areas support eelgrass.
8. The DMND should require updated eelgrass surveys of the Eelgrass Mitigation Bank prior to any agreement to use bank credits.

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- c) Turbidity curtains may be used at the Sail Bay reuse site where placement is through a hydraulic discharge or where bottom dump scows are used to place material over discrete portions of the site. The necessity of the curtain will be determined based on early evaluation of the turbidity generation against the 500 foot plume metric. Because the receiver sites are contained by existing topography, it is expected that subsurface placement will result in minimal turbidity spread. This being said, the Sail Bay receiver sites are far enough removed from tidal influence that these areas may support use of turbidity curtains if required by failure of the visible plume metric.
- d) If turbidity curtains are employed, they shall be of a porous nature, allowing movement of water through the curtain, but retaining fine fraction sediments. This will minimize pressure differential within and outside of the turbidity curtains and potential for curtain ground chain drag.
- e) Monitoring of the dredging and placement will be completed in order to ensure that water quality action triggers are identified and that actions are taken to resolve exceedances, should they occur. The monitoring program will follow that generally employed for dredging program with more intensive monitoring early in the dredge cycles to assist in identifying problems and assessing adaptive management actions. As the program is developed, monitoring will shift to weekly monitoring. The shift from daily to weekly monitoring will occur after the Contractor has managed to maintain consistent compliance over three consecutive daily monitoring intervals. If the Contractor falls out of compliance during a weekly monitoring interval, then the daily process will commence again until three consecutive monitoring events have been in compliance.

- 7) Distances will be put onto the graphic on (MND page 12), however, there is no plan for dredging during the least term season as indicated in Response #3, above.
- 8) The ultimate effects of climate change and associated sea level rise is not certain and dependent upon a number of factors. Present predictions are for a middle range of sea level rise on the order of 37 inches by 2100 (see below). This sea level rise estimate is nested in a high degree of overall uncertainty in the ultimate and interim predictions of sea level rise conditions within the 2100 planning horizon.

Predicted Sea Level Rise Ranges	2030	2050	2100
High	16 in (1.3 ft)	24 in (2 ft)	66 in (5.5 ft)
Mid	6 in (0.5 ft)	11 in (0.9 ft)	37 in (3.1 ft)
Low	2 in	5 in	17 in (1.4 ft)



## Enclosure

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Eelgrass distribution in Mission Bay is strongly driven by water depth associated constraints of desiccation stress on the upper margin of the beds and light limitation at the lower margins of the bed. As a result, in a simple sense, increase in sea level would result in a shoreward migration of eelgrass and a loss of eelgrass at depth. For low estimates of sea level rise, it is expected that in Mission Bay Park, little overall change in distribution pattern would be seen during some years and dramatic reduction in eelgrass within the eastern basin would occur during other years. The principal drivers of eelgrass losses under these situations would be expected to be watershed influx of sediment and nutrients that would drive a response of increased turbidity and phytoplankton in the water column during the subsequent growing season. At moderate to high predicted sea level rise conditions, eelgrass would likely decline through most of the eastern basins of the bay and become less predictable in coverage across the floor of the western basin.

The mid and high sea level rise scenarios would be expected to result in flooding of significant portions of Mission Beach and would thus be expected to be accompanied by infrastructure changes that would affect Mission Bay, however, what this change would be is speculative at the present time. Relative to navigational dredging within the Bay, climate change predictions are expected to exacerbate the intensity and frequency of storms that may result in increased shoal development, while sea level rise would tend to mitigate the urgency for future dredging since the deeper waters would reduce the navigation hazard nature of the shoals. It is not clear whether sea level rise, or increased intensity and frequency of storms will have the greatest influence on future needs for maintenance dredging as they result in counter effects.

- 9) The beneficial reuse plans for the dredged material that is contemplated in the project is required to meet project goals to have a self-mitigating project that creates sites suitable to support eelgrass habitat that will be damaged due to the dredging. We understand the desires of the USFWS to augment sand on the FAA Island which presently is suffering erosion due to failed revetment containment on portions of the island. However, repair of the island would be a different project and would require a surplus of dredged material that is not available from the present work. It is suggested that this work be considered for inclusion in the up-coming City Programmatic EIR for Mission Bay Park as it fits better with the intent of the larger work effort being considered.
- 10) The DMND provides an overview plan for the dredging that outlines the sites to be dredged and filled along with tables that identify the volume and footprints of dredging and filling (DMND, Page 12). In addition the map includes an inset detail map of the contractor staging area.
- 11) The proposed project is to be mitigated under the CEMP. The CEMP requires pre-construction and post-construction surveys to determine eelgrass impacts (See Response 1 above). The project is required to meet the 1.2:1 mitigation ratio and any eelgrass present at the time of the construction that is damaged by the work (in the dredge areas or fill areas) would need to be mitigated in accordance with the CEMP requirements.



Enclosure

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12) An update of the mitigation bank acreage is required prior to any transactions for the mitigation bank as an element of the bank MOA requirements. This is also outlined in the project eelgrass mitigation plan. The Bank calls for all transactions to be supported by an updated ledger to account for what is already used and what remains available. This will be clarified in the MND as follows:

In order to apply this mitigation to the project, a post-dredging survey of the existing mitigation sites under the MOA will be completed and the mitigation ledgers will be updated and submitted as a part of the post-dredging eelgrass survey. These ledgers will provide a calculated offset of the total mitigation needed for the project. The residual eelgrass mitigation will be derived from restoration of the dredge areas and subtidal reuse areas to be restored to eelgrass under this mitigation plan.

13) The final eelgrass mitigation and monitoring plan will be required to address impacts identified under CEQA as well as mitigation requirements identified through other state and federal regulatory programs. These include issuance of a Rivers & Harbors Act, section 10 permit and a Clean Water Act section 404 permit, a CWA section 401 state water quality certification, and a Coastal Development Permit. These permits and approvals include interaction with the state and federal resource agencies, including coordination on the final eelgrass mitigation and monitoring plan. Because the mitigation plan proposed is consistent with the California Eelgrass Mitigation Policy that has been adopted as standard by the agencies, it is expected that the mitigation derived from this coordination will add detail to the mitigation, but not necessarily a change in minimum mitigation standards.

14) The final eelgrass mitigation would be determined through a comparison between the pre-dredging and post-dredging and placement surveys as specified under the CEMP. The pre-dredging survey results will be shared with the state and federal agencies including the Corps of Engineers, National Marine Fisheries Service, U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, California Coastal Commission, and Regional Water Quality Control Board, in addition to the City DSD. However, the intended function of the pre-and post-dredging comparison is to ensure that any unanticipated impacts of the project are identified and that these are included in the mitigation calculation. As such, the pre-dredging survey only provides an estimator of impact and the post-dredging survey and analysis would provide the final impact assessment. This will be provided to the agencies to support the mitigation determinations. It is anticipated that the mitigation will apply mitigation ratios under the CEMP as these are known today.



Enclosure Page 2

Mr. Mark Brunette (FWS-SDG-17B0140-17TA0602)

Service and the California Department of Fish and Wildlife will be consulted to determine the extent of eelgrass impacts to and mitigation required to address project impacts.

11. Page 8 Existing Eelgrass Mitigation Lands: The Final Eelgrass Mitigation and Monitoring Plan should include information on the conservation status of the proposed mitigation banks and what management is occurring that ensures the quality of habitat within the banks and documentation showing that 13.01 acres of eelgrass has been recently verified within the banks.

- 15) The final mitigation and monitoring plan will be updated with information on the status of the mitigation banks inclusive of eelgrass acreage verification, and conservation. The banks do not require ongoing management as they are self-sustaining and are not subject to the same types of threats that terrestrial and wetland banks experience. The banks are not exclusive use areas and thus allow boating, fishing, and compatible recreation with the conservation purposes. Additional information will be added to the final mitigation plan ultimately adopted after completion of the state and federal regulatory processes.





EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

March 17, 2017

Mark Brunette  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101

Subject: Mission Bay Park Navigational Safety Dredging (PTS No. 520687)  
SCH#: 2017021052

Dear Mark Brunette:

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 March 16, 2017, 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 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 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comment acknowledged. Responses to commenting agency letters are as follows.



**Document Details Report:  
State Clearinghouse Data Base**

SCH# 2017021052  
 Project Title Mission Bay Park Navigational Safety Dredging (PTS No. 520687)  
 Lead Agency San Diego, City of

**Type** MIND Mitigated Negative Declaration  
**Description** A site development permit. The Mission Bay Park is the largest aquatic park of its kind in the country. It consists of over 4,600 acres in roughly equal parts land and water with 27 miles of shoreline. Over the years, recreational boating, storms and water currents have impacted the bottom of Mission Bay causing sediment travel and creation of shoals - built up of areas with sand and displacement in other areas. In order to maintain the navigational water safety in the bay, the intent of the project is to dredge the bottom of the bay to the original survey elevation and utilize the dredged material to fill the depleted/reuse areas within the bay in accordance with the Mission Bay Baseline Chart.

**Lead Agency Contact**

**Name** Mark Brunette  
**Agency** City of San Diego  
**Phone** (619) 446-5379  
**email**  
**Address** 1222 First Avenue, MS-501  
**City** San Diego **State** CA **Zip** 92101  
**Fax**

**Project Location**

**County** San Diego  
**City**  
**Region**  
**Lat // Long** 32° 46' 30" N / 117° 14' 07" W  
**Cross Streets** Ingraham St. & Vaccallon Rd  
**Parcel No.** 435-480-17-00  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** 8, 5  
**Airports**  
**Railways** MTS  
**Waterways** San Diego River  
**Schools** Mission Bay HS  
**Land Use** park, open space and recreation by GP; No zoning des

**Project Issues** Biological Resources; Water Quality; Wetland/Riparian; Landuse

**Reviewing Agencies** Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; San Diego River Conservancy

**Date Received** 02/15/2017 **Start of Review** 02/15/2017 **End of Review** 03/16/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

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STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
San Francisco, CA 94133  
Phone: (415) 372-7270  
Fax: (415) 372-5471  
Email: [naahc@naahc.ca.gov](mailto:naahc@naahc.ca.gov)  
Website: <http://naahc.ca.gov>  
Twitter: @CA\_NAHC

Edmund G. Brown Jr., Governor



February 28, 2017

Mark Brunette  
City of San Diego  
1222 1st Avenue  
San Diego, CA 92101

Gov't's Office of Planning & Research

LCW  
3/16/17

NAHL CB 2017

STATE CLEARINGHOUSE

Re: SCH# 2017021052, Mission Bay Park Navigational Safety Dredging (PYS No. 5200687), San Diego County.

Dear Mr. Brunette:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above.

The California Environmental Quality Act (CEQA), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>1</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>2</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for "tribal cultural resources", that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>5</sup> Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>6</sup> may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the procedures provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Secretines provided in AB 52. The request forms can be found online at: <http://naahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at: [http://naahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CALEPAPDF.pdf](http://naahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CALEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [katy.sanchez@naahc.ca.gov](mailto:katy.sanchez@naahc.ca.gov) or call (916) 373-3712, if you have any questions.

Sincerely,

*Katy Sanchez*  
Katy Sanchez

Associate Environmental Planner

Attachment  
cc: State Clearinghouse

<sup>1</sup> Pub. Resources Code § 21084.1 (a)  
<sup>2</sup> Pub. Resources Code § 21084.1 (c)  
<sup>3</sup> Pub. Resources Code § 21086 (d); Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)  
<sup>4</sup> Government Code § 65352.3  
<sup>5</sup> Pub. Resources Code § 21074  
<sup>6</sup> Pub. Resources Code § 1094.2  
<sup>7</sup> Pub. Resources Code § 21094.3 (a)  
<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 600.01 (a)

California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project have not requested consultation pursuant to AB 52 for the Area of Project Effect.



**Pertinent Statutory Information:**

**Under AB 52:**  
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:  
Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.  
A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).  
The following shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18):

- a. Alternatives to the project;
  - b. Recommended mitigation measures;
  - c. Significant effects;
  - d. Significant effects.
1. The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary;
  - b. Significance of the tribal cultural resources;
  - c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (f) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document, unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to tribal cultural resource, section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b).

An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribes that provided consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribes in compliance with Public Resources Code section 21080.3.1 (d) and the tribes failed to request consultation within 30 days.<sup>16</sup>

*This process should be documented in the Tribal Cultural Resources section of your environmental document.*

**Under SB 18:**  
Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction." Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5091.993 of the Public Resources Code.

<sup>15</sup> Pub. Resources Code § 21080.3.1, subd. (f) and (e)  
<sup>16</sup> Pub. Resources Code § 21080.3.2 (b)  
<sup>17</sup> Pub. Resources Code § 21080.3.2 (a)  
<sup>18</sup> Pub. Resources Code § 21080.3.2 (a)  
<sup>19</sup> Pub. Resources Code § 21082.3 (c)(1)  
<sup>20</sup> Pub. Resources Code § 21080.3 (b)  
<sup>21</sup> Pub. Resources Code § 21082.3 (a)  
<sup>22</sup> Pub. Resources Code § 21082.3 (e)

22

- SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines", which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the timeline has been agreed to by the tribe.<sup>19</sup>
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and uses of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  - o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - o Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>21</sup>

**NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ghp.parks.ca.gov/?page\\_id=1058](http://ghp.parks.ca.gov/?page_id=1058)) for an archaeological records search. The records search will determine:
  - o If part or the entire APE has been previously surveyed for cultural resources.
  - o If any known cultural resources have been already been recorded on or adjacent to the APE.
  - o If the probability is low, moderate, or high that cultural resources are located in the APE.
  - o If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - o The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- o Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o Treating the resource with appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).  
<sup>20</sup> Pursuant to Gov. Code section 65040.2.  
<sup>21</sup> (Gov. Code § 65352.3 (a)(2)).  
<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).  
<sup>23</sup> (Gov. Code § 815.3 (c)).  
<sup>24</sup> (Pub. Resources Code § 5097.991).



- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

24



*Flex your power!  
Be energy efficient!*

DEPARTMENT OF TRANSPORTATION

DISTRICT 11  
4050 TAYLOR STREET, M.S. 120  
SAN DIEGO, CA 92110  
PHONE (619) 688-6668  
FAX (619) 688-3122  
TTY 711  
www.dot.ca.gov

12/19/16  
04  
Governor's Office of Planning & Research

FEB 22 2017

STATE CLEARINGHOUSE

February 22, 2017

11-SD-5, 8  
PM VAR  
Mission Bay Park Navigational Safety Dredging (PTS No. 520687)  
DMND / SCH#2017021052

Mr. Mark Brunette  
City of San Diego Development Services Center  
1222 1st Avenue (MS 501)  
San Diego, CA 92101

Dear Mr. Brunette:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Mitigated Negative Declaration (MND) for the proposed Mission Bay Park Navigational Safety Dredging Project located near I-5 and I-8. The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Please provide Caltrans District 11 Planning Division with a copy of the Transportation Control Plan when available. Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway System.

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans's R/W, and any corresponding technical studies.

The project will not occur within Caltrans right-of-way so no discretionary review or encroachment permit would be required. No oversize/overweight vehicles will be used for the proposed project so no special transportation permits would be required to be issued by Caltrans.



Mr. Brunette  
February 22, 2017  
Page 2

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to [kimberly.dodson@dot.ca.gov](mailto:kimberly.dodson@dot.ca.gov).

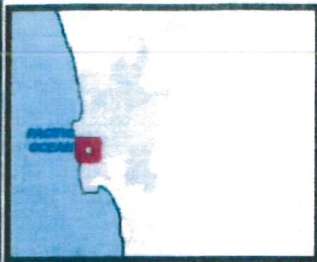
Sincerely,



JACOB ARMSTRONG, Chief  
Development Review Branch

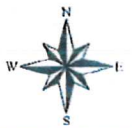
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*Mission Bay Dredging*



**Legend**

- Dredging Area with the Largest Eel Grass Impact
- Dredge Area
- Drain Pipe
- Reuse Area
- Rock Protection Required



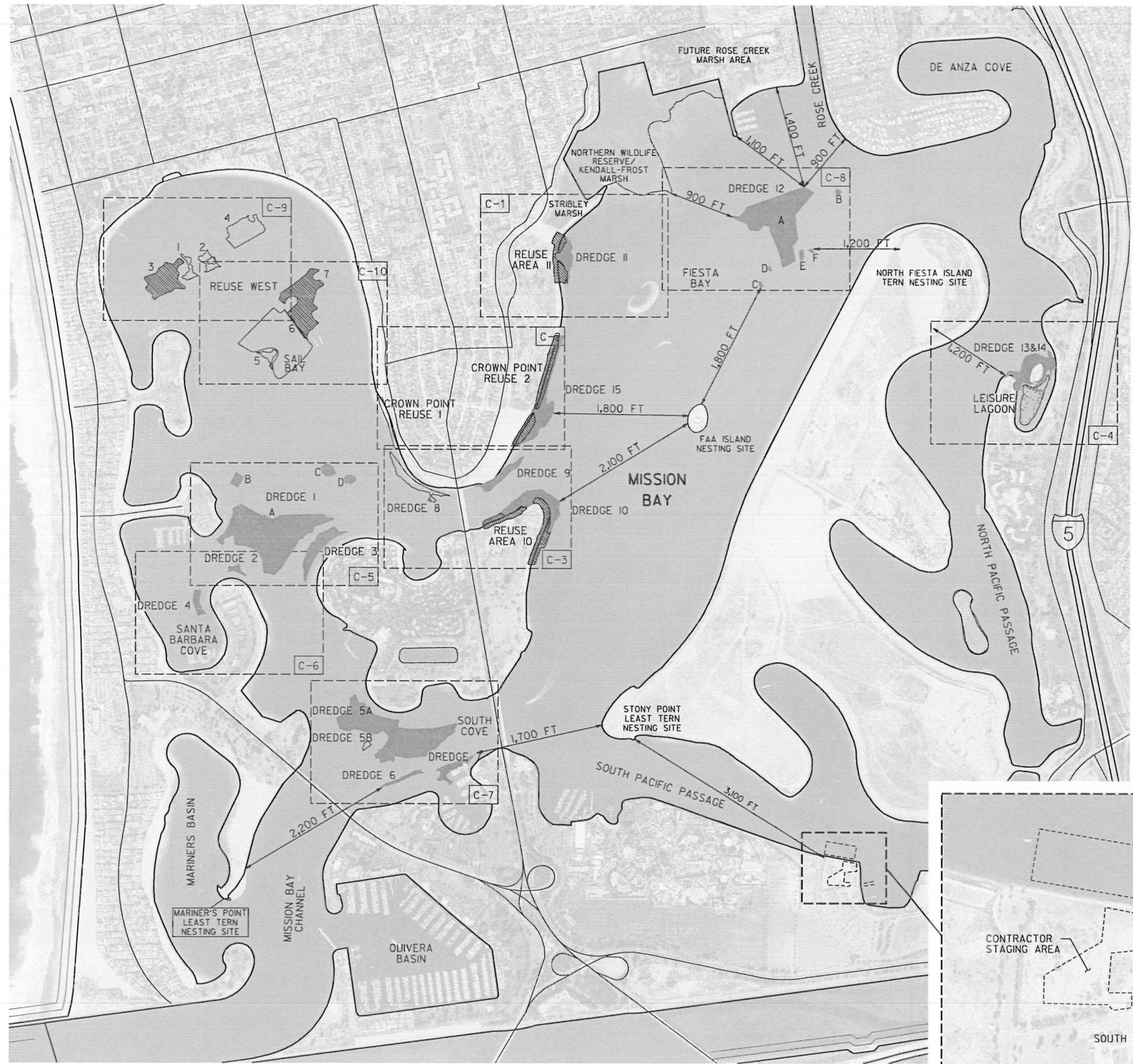
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COMMUNITY NAME: MISSION BAY  
Date: July 2016

COUNCIL DISTRICT: 2



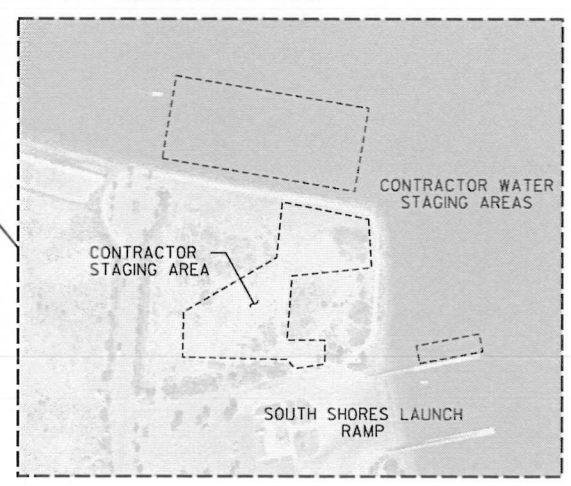




SITE	AREA (ACRES)	DREDGE ELEV (FT)	CUT VOLUME (CY)	FILL VOLUME (CY)	1-FT NON-PAID ALLOWABLE OVERDREDGE (CY)	2-FT PAID ALLOWABLE OVERDREDGE (CY)	EELGRASS IMPACT (ACRES)	EELGRASS TRANSPLANT AREA (ACRES)-NIC	PREDICTED EELGRASS RESTORED (ACRES)-NIC
<b>DREDGE SITES</b>									
DREDGE 1A	15.87	-10.50	22,690	-	25,600	-	15.87	15.87	15.08
DREDGE 1B	0.52	-10.50	590	-	840	-	0.52	0.52	0.49
DREDGE 1C	0.63	-10.50	720	-	1,020	-	0.63	0.63	0.60
DREDGE 1D	0.41	-10.50	500	-	660	-	0.41	0.41	0.39
DREDGE 2	0.41	-10.50	470	-	660	-	0.41	0.41	0.39
DREDGE 3	2.84	-10.50	5,450	-	4,580	-	2.57	2.84	2.70
DREDGE 4	0.80	-10.50	610	-	1,290	-	0.64	0.80	0.76
DREDGE 5A	13.50	-10.50	19,850	-	21,780	-	13.30	13.50	12.83
DREDGE 5B	NO WORK	-10.50	NO WORK	-	NO WORK	NO WORK	NO WORK	NO WORK	NO WORK
DREDGE 6	0.67	-10.50	850	-	1,080	-	0.42	0.67	0.64
DREDGE 7	1.30	-10.50	3,380	-	2,100	-	1.30	1.30	1.24
DREDGE 8	NO WORK	-10.50	NO WORK	-	NO WORK	NO WORK	NO WORK	NO WORK	NO WORK
DREDGE 9	1.94	-10.00	4,770	-	-	-	0.97	1.94	1.01
DREDGE 10	3.61	-10 TO -11	15,300	8,780	-	-	2.01	3.61	1.88
DREDGE 11	1.67	-7.00	5,900	5,900	-	-	0.64	1.67	0.87
DREDGE 12A	11.44	-10.50	22,890	-	-	36,930	0.99	-	-
DREDGE 12B	0.13	-10.50	230	-	-	410	-	-	-
DREDGE 12C	0.11	-10.50	190	-	-	350	0.06	-	-
DREDGE 12D	0.07	-10.50	120	-	-	210	0.04	-	-
DREDGE 12E	0.21	-10.50	380	-	-	680	0.04	-	-
DREDGE 12F	0.08	-10.50	140	-	-	260	0.00	-	-
DREDGE 13 & 14	3.78	-5.00	8,320	8,320	-	-	0.78	3.78	2.68
DREDGE 15	3.37	-2 TO -7	9,050	9,050	-	-	1.31	3.37	2.36
<b>TOTAL DREDGE</b>	<b>63.36</b>		<b>122,400</b>	<b>32,050</b>	<b>59,610</b>	<b>38,840</b>	<b>42.93</b>	<b>51.32</b>	<b>43.90</b>

BENEFICIAL RESUE EELGRASS MITIGATION SITE	AREA (ACRES)	FILL VOL (CY)	EELGRASS TRANSPLANT AREA (ACRES)-NIC	PREDICTED EELGRASS RESTORED (ACRES) - NIC
<b>RESUE SITES</b>				
RESUE WEST 1	NO WORK	NO WORK	NO WORK	NO WORK
RESUE WEST 2	NO WORK	NO WORK	NO WORK	NO WORK
RESUE WEST 3 **	5.59	64,940	2.51	2.38
RESUE WEST 4	NO WORK	NO WORK	NO WORK	NO WORK
RESUE WEST 5	NO WORK	NO WORK	NO WORK	NO WORK
RESUE WEST 6 **	0.89	8,930	2.23	2.12
RESUE WEST 7 **	8.66	114,930	2.50	2.37
CROWN POINT REUSE 1	NO WORK	NO WORK	NO WORK	NO WORK
CROWN POINT REUSE 2	3.35	9,050	-	-
REUSE AREA 10	3.75	8,780	-	-
LEISURE LAGOON	2.45	8,320	2.45	1.74
REUSE AREA 11	2.06	5,900	-	-
<b>TOTAL RESUE</b>	<b>26.75</b>	<b>220,850</b>	<b>9.69</b>	<b>8.61</b>

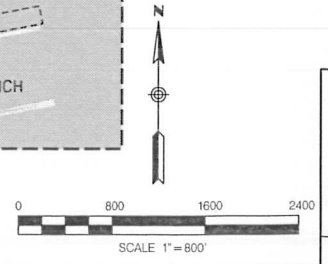
\*\*FILL VOLUME INCLUDES DREDGING CUT VOLUME AND 1-FT AND 2-FT OVER DREDGING VOLUMES



**LEGEND**

■ DREDGE AREAS

▨ REUSE AREAS



G-2

**MISSION BAY NAVIGATIONAL SAFETY DREDGING**  
KEY MAP

CITY OF SAN DIEGO, CALIFORNIA  
PUBLIC WORKS DEPARTMENT  
SHEET 2 OF 13 SHEETS

FOR CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

PROJECT MANAGER  
TAMARA MILLER  
PROJECT ENGINEER

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	XX/XX			

CONTRACTOR \_\_\_\_\_ DATE STARTED \_\_\_\_\_  
INSPECTOR \_\_\_\_\_ DATE COMPLETED \_\_\_\_\_

WATER WBS 0-00000  
SEWER WBS 0-00000

COSELYN GOODRICH  
PROJECT MANAGER

TAMARA MILLER  
PROJECT ENGINEER

SEE SHEETS  
CCS27 COORDINATE

SEE SHEETS  
CCS83 COORDINATE

39721-02-D

## INITIAL STUDY CHECKLIST

1. Project Title/Project Number: **MISSION BAY PARK NAVIGATIONAL SAFETY DREDGING/520687**

2. Lead agency name and address:

City of San Diego  
Department of Development Services  
1222 First Avenue, MS 501  
San Diego, CA 92101

3. Contact person and phone number: Mark Brunette/ (619) 446-5379

4. Project location:

The proposed project is occurs within the bay waters of Mission Bay and a small adjacent upland areas within Mission Bay Park for temporary construction staging. Mission Bay Park is bounded by the communities of Pacific Beach to the north, Ocean Beach to the south, Mission Beach to the west, and Clairemont Mesa to the east. The project site is located within the Mission Bay Park community area and City Council District 2. (See attached location maps).

5. Project Applicant/Sponsor's name and address:

City of San Diego Public Works Department – Engineering and Capital Projects, Right of Way Design Division

6. General Plan designation:

Park, Open Space and Recreation

7. Zoning:

The bay where dredging will occur does not have a zoning designation. The temporary upland staging area would be in the RS-1-7 (Single Family Residential) zone.

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.):

A SITE DEVELOPMENT PERMIT (SDP) for 63 acres of dredging within Mission Bay and impacts to wetlands. Proposed work includes maintenance dredging, reuse of dredged sediment, and temporary staging areas within bay water and vacant upland within 76 acres of bay water and sand beach. The impact to 43 acres of eelgrass will be restored post-construction.

Over the years, recreational boating, storms and water currents have impacted the bottom of Mission Bay causing sediment travel and creation of shoals - built up of areas with sand and displacement in other areas. In order to maintain the navigational water safety in the bay, the intent of the project is to dredge the bottom of the bay to the original survey elevation and utilize the dredged material to fill the depleted/reuse areas within the bay in accordance with the Mission Bay Baseline Chart.



The project work area includes approximately ~~82,8375.73~~ acres of bay waters and sand beach, as well as temporary staging areas within approximately 2.50 acres of bay waters and 1.55 acres of vacant upland/disturbed land at south shores. A total of 63.36 acres of dredging would occur as part of this project, creating approximately 122,000 to 220,850 cubic yard of dredged material which would all be used onsite including within beach and subtidal borrow site fills totaling 19.47 acres. Borrow site fills will be planted to develop eelgrass habitat, as will dredged areas. The project provides for a 100 percent reuse of dredged materials with no material being exported from the bay.

As a result of project activities, approximately 42.93 acres of eelgrass would be impacted. Mitigation of eelgrass impacts is governed by multiagency adopted mitigation standards established in the California Eelgrass Mitigation Policy (CEMP) (National Marine Fisheries Service 2014). This policy requires either pre-developed eelgrass mitigation at a 1:1 ratio, or mitigation implemented coincident with impacts requiring successful establishment at a 1.2:1 mitigation ratio. A comprehensive eelgrass mitigation plan has been developed that meets the CEMP mitigation requirements.

Project staging would occur in proximity to the south shores launch ramp and will be located on a portion of City owned property (APN #435-480-1700). Access to the staging area would be taken from the south shores parking lot located off of Sea World Drive. Staging would include two on-water staging locations for storage of on-water equipment and berthing of work vessels as well as on upland/disturbed land (Tier IV habitat) where office trailers, equipment storage, contractor vehicle and related activity would occur. Existing and designated public parking areas would not be utilized for equipment storage or laydown.

In addition, Best management practices (BMPs), traffic controls to also include temporary park pathway diversions or closures lasting no more than 1-hour would be included as part of this project.

9: Surrounding land uses and setting: Briefly describe the project's surroundings:

The Mission Bay Park is the largest aquatic park of its kind in the country. It consists of over 4,600 acres in roughly equal parts land and water with 27 miles of shoreline. The bay waters of Mission Bay contain islands such as Vacation and Fiesta islands, and are surrounded by the upland active and passive recreation areas of Mission Bay Park. Mission Bay Park is surrounded by the communities of Mission Beach to the west, Pacific Beach to the north, Clairemont Mesa to the east, and Sea World and the Mission Bay access channel to the Pacific Ocean to the south.

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

United States Army Corps of Engineers, San Diego Regional Water Quality Control Board and California Department of Fish and Wildlife, and the California Coastal Commission.

**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.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Population/Housing              |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Public Services                 |
| <input type="checkbox"/> Air Quality                        | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation                      |
| <input checked="" type="checkbox"/> Biological Resources    | <input checked="" type="checkbox"/> Land Use/Planning       | <input type="checkbox"/> Transportation/Traffic          |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Utilities/Service System        |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Mandatory Findings Significance |

**DETERMINATION:** (To be completed by 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.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.



- 3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion. Please note, all reports and documents mentioned in this document are available for public review in the Entitlements Division on the Fifth Floor of 1222 First Avenue, San Diego.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

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

Proposed maintenance dredging within the open waters of Mission Bay and staging area on adjacent disturbed upland within Mission Bay Park have an anticipated construction time frame of five months. While this would be visible on a temporary basis, the staging area and all dredging equipment would be removed at the end of construction and the site and bay returned to its present condition. Furthermore, all dredging would occur under water and would not be visible. Since there would be no permanent change in public vistas, the proposed project would have a less than significant impact to public scenic vistas at Mission Bay Park and no mitigation would be required.

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

See answer to I.a. above. In addition, the project would not damage any existing scenic rock outcroppings, or historic buildings (Refer to V.a.) as none of these features are located within the boundaries of the proposed project. Furthermore, the project site is not located near a state scenic highway.

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

See answer to I.a and I.b. above.

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

The project does not include any new or modified light sources such as new or replacement street lights, and the project would not utilize highly reflective materials. In addition, no substantial sources of light would be generated during project construction, as construction activities would occur during daylight hours. The project would also be subject to the City's Outdoor Lighting Regulations per Municipal Code Section 142.0740.

- II) AGRICULTURAL AND FOREST RESOURCES: In 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



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

- a) Converts 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 project would occur in Mission Bay Park which is not designated for agricultural use or farmland. In addition, agricultural land is not present in the vicinity of the project.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

Refer to II.a.

- 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 would occur in Mission Bay Park which is not designated as forest land. In addition, forest land is not present in the vicinity of the project.

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

Refer to II.c.

- 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 does not propose a change in land use and would not result in the conversion of Farmland since no Farmland exists within, or in the vicinity, of the project boundaries.

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 proposed maintenance dredging would not involve any future actions that would

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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generate air quality emissions as a result of the proposed use (e.g. vehicle miles traveled). However, emissions would occur during the construction phase of the project and could increase the amount of harmful pollutants entering the air basin. The emissions would be minimal and would only occur temporarily during construction. Additionally, the construction equipment typically involved in a dredging project is small-scale and generates relatively few emissions and would comply with local Air Pollution Control District emissions regulations. When appropriate, dust suppression methods would be included as project components. As such, the project would not conflict with the region's air quality plan.

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

Refer to III.b

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which 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 described above, construction operations could temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and implementation of Best Management Practices would reduce potential impacts related to construction activities to below a level of significance. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

- d) Expose sensitive receptors to substantial pollutant concentrations?

Construction operations could temporarily increase the emissions of harmful pollutants, which could affect sensitive receptors adjacent to the project. However, construction emissions would be temporary and it is anticipated that implementation of construction BMPs would reduce potential impacts related to construction activities to minimal levels. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations.

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

Operation of construction equipment and vehicles could generate odors associated with fuel combustion. However, these odors would dissipate into the atmosphere upon release and would only remain temporarily in proximity to the construction equipment and vehicles. Therefore, the project would not create odors affecting a substantial number of people.



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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Direct Impacts

A Biological Resource Letter Report (BLR) (December 18, 2016), and Eelgrass Mitigation and Monitoring Plan (Revised December 2016) were prepared by Merkel & Associates, Inc. for the Mission Bay Park Navigational Safety Dredging Project. These reports analyzed the impacts of the proposed project on the biological resources located in the vicinity of the project.

The BLR indicates that 42.93 acres of Shallow Bay – Eelgrass would be directly impacted by the proposed maintenance dredging. The BLR recommends that these impacts be mitigated at a 1.2:1 ratio (initial planting rate of 1.38:1 with a final success rate of 1:2:1) by transplantation of Eelgrass within the open waters of Mission Bay followed by a 5-year monitoring plan.

In order to apply this mitigation to the project, a post-dredging survey of the existing mitigation sites under the MOA will be completed and the mitigation ledgers will be updated and submitted as a part of the post-dredging eelgrass survey. These ledgers will provide a calculated offset of the total mitigation needed for the project. The residual eelgrass mitigation will be derived from restoration of the dredge areas and subtidal reuse areas to be restored to eelgrass under this mitigation plan.

Mitigation and Monitoring for direct impacts to Eelgrass are detailed in the Eelgrass Mitigation and Monitoring Plan prepared by Merkel & Associates, Inc. The mitigation program outlines site preparation, planting, monitoring, and success standards. The proposed mitigation would be expected to result in full offset of eelgrass impacts through eelgrass restoration in accordance with the California Eelgrass Mitigation Policy (NFMS 2014).

The Eelgrass Mitigation and Monitoring Plan is incorporated into the Mitigation, Monitoring and Reporting Program for this project by reference in Section V of this MND.

Indirect Impacts

The project may result in indirect impacts to sensitive biological resources because portions of the proposed project would occur within 100 feet of the City’s MSCP Subarea Plan Multi Habitat Planning Area (MHPA). However, implementation of the MSCP Land Use Adjacency requirements, including mitigation for nesting avian species covered by the MSCP Subarea Plan, is included in the Mitigation, Monitoring and Reporting Program for this project as described in Section V of the MND, which will reduce potentially significant indirect impacts to biological resources to a less than significant level. The project will also be required to

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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comply with the requirements of the Migratory Birds Treaty Act (MBTA).

Special Status Species

There were no sensitive species observed within the project sites during the field surveys. The project sites are expected to be seasonally used by sensitive species as identified in Table 6 in the BLR.

Sensitive bird species that occasionally occur in the project site are the California brown pelican, double-crested cormorant, and California least tern. As discussed above, no nesting sites or communal roosts for California brown pelican or double-crested cormorant occur within or adjacent to the project area. These two species are only occasional visitors to the project area. However, both species are fish foragers (California brown pelican forages from the air, and double-crested cormorant dives from the water). Work is expected to be short-term and localized, although mobile as work progresses. Work would affect only a small area of the bay at any given time. As a result, and based on these factors, impacts of the proposed project on California brown pelican and double-crested cormorant are not considered to be significant.

California least tern nests within Mission Bay (with the closest nesting sites being less than 0.5 miles from dredge locations). Temporary turbidity during dredging will occur locally around the dredge. However, dredging will be completed prior to the arrival of least terns and thus work would be temporally separated from tern presence. This scheduling separation will protect terns from disturbance associated with the work. Even if dredging were to occur concurrent with tern presence, the scale of turbidity around the dredge is expected to be very small due to the predominantly sandy nature of dredge material to be removed late in the project schedule. As such, only a small portion of the bay (0.9 percent) would be affected if the turbidity plume were not allowed to extend beyond 500 feet from the dredge. Under such conditions, this amount of turbid environment would similarly not be considered significant with turbidity restrictions as specified.

Harbor seals and California sea lions are observed commonly in Mission Bay adjacent to the entrance channel and near bait barges and fishing docks and landings. These mammals are less common in central and inner portions of Mission Bay and are expected to occur infrequently within the project area. There are no established haul-out, foraging, or breeding areas used by these or other marine mammals within the project area or vicinity. Dredging and material reuse would be of a short duration and low impact level with regard to increasing localized. Marine mammals would be expected to not respond to the anticipated dredging and filling activities due to slow movement of the dredge, low incident noise generation in the water, and general limited occurrence of marine mammals within proximity to the proposed dredging and filling locations.

- 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
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Refer to IV.a

- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Refer to IV.a. In addition, the project will obtain all permits that are required by the Army Corps of Engineers, Regional Water Quality Control Board, US Fish and Wildlife Service, California Coastal Commission, and CA Dept. of Fish and Wildlife prior to the start of work.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

As described in the BLR, No nursery or wildlife corridors occur within the project area. Therefore, the proposed project would have no impact on the movement of migratory fish or wildlife species or with migratory wildlife corridors.

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Refer to IV.a. The project would comply with all local policies and ordinances protecting biological resources including satisfying mitigation requirements for impacts to sensitive biological resources in accordance with the City of San Diego Multiple Species Conservation Program and the City of San Diego Biology Guidelines. Project mitigation includes compliance with the MSCP City of San Diego Subarea Plan MHPA land use agency guidelines.

- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Refer to IV.a and IV.e. The project would not conflict with any local conservation plans including the MSCP City of San Diego Subarea Plan.

V. CULTURAL RESOURCES – Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project involves the maintenance dredging in the open waters of Mission Bay which

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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contains no historical structures or resources. Therefore, the proposed project would not impact any designated historic structures or resources.

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

The proposed project involves maintenance dredging in areas of the open waters of Mission Bay that have been previously disturbed. It is unlikely that sensitive archaeological resources would be present in previously disturbed soil. Therefore, the proposed project would have a less than significant impact on archaeological resources and no mitigation would be required.

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

The proposed maintenance dredging would not exceed the City of San Diego's 10-foot excavation depth significance threshold for potential impacts to paleontological resources. Therefore, the project would have a less than significant impact on unique paleontological resources and no mitigation is required.

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

No cemeteries, formal or informal, have been identified on or adjacent to the project site. While there is a possibility of encountering human remains during subsequent project construction activities, if remains are found monitoring would be required. In addition, per CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5), if human remains are discovered during construction, work would be required to halt in that area and no soil would be exported off-site until a determination could be made regarding the provenance of the human remains via the County Coroner and other authorities as required.

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.

The project does not involve the construction of any structures and includes only the removal of surficial sediment as part of maintenance dredging within the open water of Mission Bay. Therefore, risks from rupture of a known earthquake fault would be less



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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than significant.

- |                                    |                          |                          |                                     |                          |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

See VI.a.i. above.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

See VI.a above.

- |                 |                          |                          |                                     |                          |
|-----------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

See VI.a. above.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to VI.a. Furthermore, since the project involves only dredging in the open waters of Mission Bay and no grading of upland soil outside these open waters is proposed, no soil erosion would occur.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to VI.a. The project is not located on a geologic unit or soil that is unstable. In addition, utilization of standard construction practices would ensure that the potential impacts would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to VI.a.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to VI.a. In addition, no septic or alternative wastewater systems are proposed since the scope of the project is maintenance dredging within the open waters of Mission Bay.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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In December 2015, the City adopted a Climate Action Plan (CAP) that outlines the actions that City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. The purpose of the Climate Action Plan Consistency Checklist (Checklist) is to, in conjunction with the CAP, provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to the California Environmental Quality Act (CEQA).

Analysis of GHG emissions and potential climate change impacts from new development is required under CEQA. The CAP is a plan for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project’s incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP.

This Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Implementation of these measures would ensure that new development is consistent with the CAP’s assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts analysis of GHG emissions. Projects that are not consistent with the CAP must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in this Checklist to the extent feasible. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP.

The project involves a relatively limited five month duration of construction. In addition, the project would not result in operational greenhouse gas emissions. Under Step 1 of the CAP Checklist the proposed project is consistent with the existing General Plan and Community Plan land use designations, and zoning designations for the project site because these designations allow for the maintenance of the Mission Bay Park open space and recreational facilities including for the purpose of maintaining safe navigation within the open waters of Mission Bay. Therefore, the proposed project is consistent with the growth projections and land use assumptions used in the CAP.

Furthermore, completion of the Step 2 of the CAP Checklist for the project demonstrates that the CAP strategies for reduction in GHG emissions are not applicable to the project because it is a maintenance dredging project with no habitable space or operational GHG emissions, and does not require a building permit or certificate of occupancy.

Therefore, the project has been determined to be consistent with the City of San Diego Climate Action Plan, would result in a less than significant impact on the environment with respect to Greenhouse Gas Emissions, and further GHG emissions analysis and mitigation would not be required.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to VII.a.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction of the project may require the use of hazardous materials (e.g. fuels, lubricants, solvents, etc.) which would require proper storage, handling, use and disposal. Construction specifications would include requirements for the contractor regarding where routine handling or disposal of hazardous materials could occur and what measures to implement in the event of a spill from equipment. Compliance with contract specifications would ensure that potential hazards are minimized to below a level of significance.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Proposed maintenance would be unlikely to traverse properties which could contain Leaking Underground Storage Tank (LUST) cleanup sites, permitted UST's, or contaminated sites located within 1,000 feet of the project alignments; however, in the event that construction activities encounter underground contamination, the contractor would be required to implement section 803 of the City's "WHITEBOOK" for "Encountering or Releasing Hazardous Substances or Petroleum Products" of the City of San Diego Standard Specifications for Public Works Construction which is included in all construction documents and would ensure the proper handling and disposal of any contaminated soils in accordance with all applicable local, state, and federal regulations. Compliance with these requirements would minimize the risk to the public and the environment; therefore, impacts would remain less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The proposed project is not located within one-quarter mile of existing schools and it is unlikely that these activities could result in the release of hazardous emissions as a result of unanticipated contamination that is encountered within the open waters of Mission Bay. However, section 803 of the City's "WHITEBOOK" to ensure that appropriate protocols are followed pursuant to County DEH requirements should any hazardous conditions be encountered. As such, impacts regarding the handling or discovery of hazardous materials, substances or waste within close proximity of a school would be below a level of significance

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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with implementation of the measures required pursuant to the contract specifications and County DEH oversight.

- 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?
- |                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

See VIIIa-c above. In addition, the area of proposed dredging is not included on a list of hazardous materials locations.

- 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?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed maintenance dredging is not located within the Airport Influence Area of Airport Land Use Compatibility Plan or within 2 miles of a public airport. Therefore, the project would not introduce any new features that would result in a safety hazard for people residing or working in the area, or create a flight hazard.

- 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?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is not within proximity of a private airstrip.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Construction of the proposed project would temporarily affect traffic circulation within the project Area of Potential Effect (APE) and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction which would allow emergency plans to be employed. Therefore, the project would not physically interfere with and adopted emergency response plan or emergency evacuation plan.

- 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?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project would be located at Mission Bay Park. However, the proposed maintenance dredging would not introduce any new features that are combustible or would increase the risk of fire and there are no wildland areas in the vicinity of the project site.

IX. HYDROLOGY AND WATER QUALITY - Would the project:



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Potential impacts to existing water quality standards associated with the proposed project would include minimal short-term construction-related erosion sedimentation, but would not include any long term operational storm water impacts. The upland staging area shall be stabilized with appropriate BMPs including a stabilized entrance, silt curtains on the staging area perimeter, and fiber rolls as appropriate to the use. Upon vacating the site the staging area will be stabilized in accordance with the project Water Pollution Control Plan.

The project would be required to comply with the City's Storm Water Standards Manual and would have to comply with a Water Pollution Control Plan for the project. These plans would prevent or effectively minimize short-term water quality impacts during construction activities. Therefore, the proposed project would not violate any existing water quality standards or discharge requirements.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project does not use groundwater, nor would it create new impervious surfaces that would interfere with groundwater recharge.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Proposed maintenance dredging would occur under water so it would not alter an existing drainage pattern. In addition, the temporary construction staging area will not alter existing grade so it would not alter an existing drainage pattern. Thus, the project would not result in substantial erosion or siltation on-or off-site.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to IX.c.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Create or contribute runoff water, which would | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Refer to IX.c. The project would be required to comply with all local and regional storm water quality standards during construction using approved Best Management Practices (BMPs), which would ensure that water quality is not degraded.

- f) Otherwise substantially degrade water quality?

Refer to IX.c. In addition, The proposed work has the potential to result in short-term increases in localized turbidity in the area of project dredging and material placement for beneficial reuse. In order to minimize the potential for adverse effects of increased turbidity measures shall be taken to control turbidity generation around the dredge to an extent of not more than 500 feet of a visible turbidity plume from the dredge. Because work is needed in areas of high current flow, it is anticipated that the local turbidity plume may elongate rather than spreading radially around the dredge or fill location. Should this occur, the contractor shall be held to a comparable plume area as a radial plume of 500 foot radius, but may measure the plume as an elongated feature using the long and short axis to calculate the area of the plume as an ellipse.

Should water quality limits be exceeded, the contractor shall be required to stop dredging or placing, slow the rate of work, move to a new location to work until a tidal change, or take other corrective actions to get the turbidity levels back in check.

Furthermore, the project would be required to comply with all local and regional storm water quality standards during construction using approved Best Management Practices (BMPs), which would ensure that water quality is not degraded.

- 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?

The project does not propose any housing.

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

The project does not propose any structures that would impede flood flows as it is a bay maintenance dredging project.

- 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 proposed project does not include any features that would increase the risk associated with flooding beyond those of existing conditions.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- j) Inundation by seiche, tsunami, or mudflow?

The proposed project does not include any features that would increase the risk associated with inundation by seiche, tsunami, or mudflow beyond those of existing conditions.

X. LAND USE AND PLANNING – Would the project:

- a) Physically divide an established community?

The project would involve maintenance dredging in the open waters of Mission Bay and a temporary upland construction staging area. Therefore, the project would not introduce new features that could divide an established community.

- 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 involve maintenance dredging in the open waters of Mission Bay and a temporary upland construction staging area, and would be consistent with all applicable land use plans, policies, or regulations of an agency with jurisdiction over the project and would not conflict with any land use plans.

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

Refer to IV. Neither the proposed dredging nor the temporary staging area would occur inside the MHPA preserve, but some of the proposed maintenance dredging may occur within 100 feet of an MHPA preserve area boundary of the City of San Diego Multiple Species Conservation Program Subarea Plan. However, the project will implement the MSCP Land Use Adjacency Guidelines as described in the Mitigation, Monitoring and Reporting Program in Section V of this MND. Implementation of the Land Use Adjacency Guidelines would conform to the MSCP Subarea Plan and would reduce potentially significant indirect impacts to biological resources within the MHPA to a less than significant level.

- d) 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?

Mission Bay Park not being used for the recovery of mineral resources and are not designed by the General Plan or other local, state or federal land use plan for mineral resources recovery; therefore, the project would not result in the loss of mineral resources.

- e) 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?

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to X.e.

XII. NOISE – Would the project result in:

- a) Generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The project would not result in the generation of operational noise levels in excess of existing standards or existing ambient noise levels in the vicinity of the project.

- b) Generation of excessive ground borne vibration or ground borne noise levels?

The project would not result in the generation of operational ground borne vibration or noise levels in excess of existing standards or ambient levels.

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

Refer to XII.a-b

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

The proposed maintenance dredging project would result in construction noise, but would be temporary in nature; in addition, the project is required to comply with the San Diego Municipal Code, Chapter 5, Article 9.5, (§59.5.0404 Construction Noise). This section specifies that it is unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays (with exception of Columbus Day and Washington's Birthday), or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise. In addition, the project would be required to conduct any construction activity so as to not cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.

- 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?

The proposed dredging is not located within the Airport Influence Area of an Airport Land Use Compatibility Plan or within 2 miles of a public airport. Therefore, it is not within the airport 60 CNEL noise contour so people working on the project would not be exposed to



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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excessive airport noise levels. The project, in and of itself, would not generate substantial operational noise. Furthermore, compliance with OSHA standards will ensure the project workers would not be exposed to excessive noise levels.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is not located within the vicinity of 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project scope does not include the construction of new or extended roads or infrastructure, or new homes and businesses. The project would involve maintenance dredging of the open waters of Mission Bay. Therefore, the project would not induce population growth nor require the construction of new infrastructure.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No such displacement would result. There is no existing housing within the boundaries of the proposed project.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No such displacement would result. There is no existing housing or residents within the boundaries of the project.

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 rations, response times or other performance objectives for any of the public services:<br>i) Fire Protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not result in adverse physical impacts of fire facilities or adversely affect

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existing levels of fire services.

ii) Police Protection

The project would not affect existing levels of police protection service and would not require the construction or expansion of a police facility.

iii) Schools

The project would not affect existing levels of public services and would not require the construction or expansion of a school facility.

v) Parks

The project would not affect existing levels of public services and would not require the construction or expansion of a park facility.

vi) Other public facilities

The project would not affect existing levels of public services; therefore, no new or altered government facilities would be required.

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 would not adversely affect the availability of and/or need for new or expanded recreational resources. The project would actually improve the navigational safety of the open waters of Mission Bay through maintenance dredging that would remove sediment on the bottom of the bay that currently impedes watercraft travel and poses a potential safety hazard.

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?

Refer to XV.a. The project does not propose recreation facilities or require the construction or expansion of any such facilities.

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



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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?

Construction of the proposed project would temporarily affect traffic circulation within the project Area of Potential Effect (APE) and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction such that traffic circulation would not be substantially impacted. Therefore, the project would not result in any significant permanent increase in traffic generation or level of service.

- 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?
- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction of the proposed project would temporarily affect traffic circulation within the project Area of Potential Effect (APE) and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction so that existing cumulative or individual levels of service are minimally impacted. Therefore, the project would not result in any significant permanent increase in traffic generation or permanent reduction in level of service.

- 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?
- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to XVI.c. In addition, the project would not result in safety risks or a change to air traffic patterns in that all work would occur underground.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not create a permanent increase in hazards resulting from design features and would reduce temporary hazards due to construction to a less than significant level through a Traffic Control Plan. The project does not propose any change in land use that would affect existing land uses in the area.

- e) Result in inadequate emergency access?
- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Construction of the proposed project would temporarily affect traffic circulation within the project Area of Potential Effect (APE) and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction such that emergency access would not be substantially impacted. Therefore, the project would not result in inadequate

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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emergency access.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project may temporarily impact circulation during construction activities relative to traffic, pedestrians, public transit and bicycles. However, the preparation of a Traffic Control Plan would ensure that any disruption to these services would not be significant.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed maintenance dredging would not affect the City's wastewater treatment system. Therefore, the project would not exceed the requirements of the Regional Quality Control Board.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed maintenance dredging would not affect the City's wastewater treatment system. It would not affect the water or wastewater systems and would, therefore, not result in a significant unmitigated impact on the environment.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed maintenance dredging does not propose or require the construction substantial new drainage facilities. Therefore, the project would not require the construction of new storm water drainage facilities or expansion of existing facilities.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Construction of the proposed project would not increase the demand for water within the project area.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to XVII.c

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction of the project would likely generate minimal waste. Project waste would be disposed of in accordance with all applicable local and state regulations pertaining to solid waste including the permitted capacity of the landfill serving the project area. Demolition or construction materials which can be recycled shall comply with the City's Construction and Demolition Debris Ordinance. Operation of the project would not generate waste and, therefore, would not affect the permitted capacity of the landfill serving the project area.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Comply with federal, state, and local statutes and regulation related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to XVII.f. Any solid waste generated during construction related activities would be recycled or disposed of in accordance with all applicable local, state and federal regulations.

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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Although the proposed project could have significant direct and indirect impacts to sensitive biological resources, these impacts would be mitigated to a less than significant level by the mitigation measures identified in the Mitigation Monitoring and Reporting Program in Section V of the MND. These mitigation requirements are also consistent with the MSCP City of San Diego Subarea Plan. With respect to cultural resources, mitigation measures for potential impacts to archaeological and paleontological resources are not required due to the fact that only previously disturbed soils would be affected. Historical built environmental resources would not be significantly impacted by the project as stated in the Initial Study.

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The City of San Diego MSCP Subarea Plan addresses cumulative impacts on biological resources throughout San Diego. Since the mitigation measures identified in Section V of the MND are consistent with the land use adjacency requirements as well as nesting bird requirements of the Subarea Plan, the proposed project is consistent with the Subarea Plan. As a result, project implementation would not result in any individually limited, but cumulatively significant impacts to these resources. Based on the project's consistency with the Climate Action Plan it would not result in cumulatively considerable environmental impacts relative to greenhouse gas emissions.

Furthermore, when considering all potential environmental impacts of the proposed project, including impacts identified as less than significant in the Initial Study Checklist, together with the impacts of other present, past and reasonably foreseeable future projects, there would not be a cumulatively considerable impact on the environment.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As evidenced by the Initial Study Checklist, no other substantial adverse effects on human beings, either indirectly or directly, would occur as a result of project implementation.

## INITIAL STUDY CHECKLIST

### REFERENCES

#### I. AESTHETICS / NEIGHBORHOOD CHARACTER

- City of San Diego General Plan; City of San Diego Land Development Municipal Code
- Community Plan.
- Local Coastal Plan.

#### II. AGRICULTURAL RESOURCES & FOREST RESOURCES

- City of San Diego General Plan.
- 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)
- Site Specific Report:

#### III. AIR QUALITY

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

#### IV. BIOLOGY

- City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996.
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- Community Plan - Resource Element.
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- City of San Diego Land Development Code Biology Guidelines.



- Site Specific Reports: Biological Resource Letter Report dated December 18, 2016 and  
Eelgrass Mitigation and Monitoring Program revised December 2016 for the Mission Bay  
Navigational Safety Dredging Project by Merkel & Associates, Inc.

**V. CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES)**

- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List.
- Community Historical Survey:
- Site Specific Reports:

**VI. GEOLOGY/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(s):

**VII. GREENHOUSE GAS EMISSIONS**

- City of San Diego Climate Action Plan, Adopted 2015

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

- San Diego County Hazardous Materials Environmental Assessment Listing,  
 San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized.
- Airport Land Use Compatibility Plan.
- Site Specific Report:

**IX. HYDROLOGY/WATER QUALITY**

- Flood Insurance Rate Map (FIRM).
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood  
Boundary and Floodway Map.
- Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)).

\_\_\_ Site Specific Reports:

**X. LAND USE AND PLANNING**

- City of San Diego General Plan.
- Community Plan.
- Airport Land Use Compatibility Plan
- City of San Diego Zoning Maps
- \_\_\_ FAA Determination

**XI. MINERAL RESOURCES**

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

**XII. NOISE**

- 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.
- City of San Diego General Plan.
- \_\_\_ Site Specific Report:

**XIII. PALEONTOLOGICAL RESOURCES**

- 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.

\_\_\_ Site Specific Report:

**XIV. POPULATION / HOUSING**

City of San Diego General Plan.

Community Plan.

\_\_\_ Series 11 Population Forecasts, SANDAG.

\_\_\_ Other:

**XV. PUBLIC SERVICES**

City of San Diego General Plan.

Community Plan.

**XVI. RECREATIONAL RESOURCES**

City of San Diego General Plan.

\_\_\_ Community Plan.

\_\_\_ Department of Park and Recreation

\_\_\_ City of San Diego - San Diego Regional Bicycling Map

\_\_\_ Additional Resources:

**XVII. TRANSPORTATION / CIRCULATION**

City of San Diego General Plan.

Community Plan.

\_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

\_\_\_ San Diego Region Weekday Traffic Volumes, SANDAG.

\_\_\_ Site Specific Report:



**XVIII. UTILITIES**

X City of San Diego General Plan.

X Community Plan.

**XIX. WATER CONSERVATION**

X City of San Diego General Plan.

X Community Plan.

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