

SUBSTANTIAL CONFORMANCE REVIEW CHECKLIST

MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM

Purpose: This Substantial Conformance Review (SCR) Checklist is intended to be used by Development Services Department Staff as an aid in reviewing storm water system maintenance projects for consistency with the Site Development Permit (SDP) based on conformance with the Mitigation, Monitoring and Reporting Program (MMRP); the Maintenance Protocols contained in the Master Program; and the SDP Conditions.

Date: October 21, 2013

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ACTIVITY INFORMATION

Master Program Map #(s): 9, 11 & 12

City Equipment #(s): Map 9: # 988000251; Map 11 & 12: #s 88000247, 88000249, 88000250, 88000251

Creek Name: Soledad Canyon/Sorrento Creek (Soledad Creek) & Flintkote Channel (11000 Roselle Street/11100 Flintkote Avenue)

Watershed(s): Peñasquitos

Location: West of the I-5/805 interchange along Roselle Street and Sorrento Valley Road; and northeast of Flintkote Avenue

DOCUMENTS INCLUDED IN CONSISTENCY DETERMINATION PACKAGE

Included	NA	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Maintenance Plan (IMP) – Appendix A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Biological Assessment (IBA) – Appendix B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Historical Assessment (IHA) – Appendix C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Hydrologic and Hydraulic Assessment (IHHA) – Appendix D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Water Quality Assessment (IWQA) – Appendix E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Noise Assessment (INA) – Appendix F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water Pollution Control Plan (WPCP) – Appendix G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	El Cuervo Del Sur Conceptual Wetland Enhancement Habitat Mitigation and Monitoring Plan – Appendix H
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Los Peñasquitos Canyon Preserve Conceptual Wetland Enhancement Plan – Appendix I

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program PEIR Mitigation, Monitoring, and Reporting Program			
General Mitigation			
1	Have mitigation measures for impacts to biological resources, historical resources, land use, and paleontological resources, as appropriate, been included in entirety on the submitted maintenance documents and contract specifications, under the heading, "Environmental Mitigation Requirements"? (General Mitigation Measure 1)	Y	<p>See the following SCR Appendices:</p> <ul style="list-style-type: none"> • Individual Maintenance Plan, see Appendix A - IMP Sheets 7-16 • Biological Resources, see Appendix B – IBA, Attachment 3 – Applicable PEIR Mitigation Measures • Historical Resources see Appendix C – IHA, Attachment 4 – Applicable PEIR Mitigation Measures. • Land Use, see Appendix B - IBA (Mitigation section and Attachment 3) and see Appendix F - INA (Mitigation section and Attachment 1) • Paleontological Resources, N/A. The proposed maintenance area would involve grading/dredging at an average depth of six inches within a concrete-lined drainage facility and the likelihood to discover significant paleontological resources would be low.
2	Is a Pre-maintenance Meeting required, including, as appropriate, the Mitigation Monitoring Coordinator (MMC), Storm Water Division (SWD) Project Manager, Biological Monitor, Historical Monitor, Paleontological Monitor, and Maintenance Contractor (MC), and other parties of interest? (General Mitigation Measure 2)	Y	<p>A pre-maintenance meeting will be scheduled in coordination with MMC prior to initiating project activities. A biological monitor will be required and included in the pre-maintenance meeting. Since anticipated maintenance, access, and staging areas would occur within developed, concrete-lined facilities or street right-of-way; the likelihood to discover historical or paleontological resources are considered low and a historical and paleontological monitor will not be required.</p> <p>See Appendix B –IBA, Attachment 3. See Appendix C – IHA, Attachment 4: 4.4.3.2, B and 4.4.3.5, A, 1.</p>

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General Mitigation (cont.)			
3	Is there documented evidence of compliance with other permitting authorities (e.g., copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the Assistant Deputy Director [ADD] Environmental Designee), as applicable? (General Mitigation Measure 3)	Y	<p>For this project, the following permits and other approvals have been issued or pending authorization:</p> <ul style="list-style-type: none"> • City of San Diego Master Maintenance Program (MMP) • Master Maintenance Program Environmental Impact Report (PEIR) Project No. 42891/SCH No. 2004101032 • City of San Diego Site Development Permit No. 1134892 • California Coastal Commission Coastal Development Permit (CDP) No. A-6-NOC11-086 • Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification (Pending) • Army Corps of Engineers (ACOE) 404 Nationwide Permit (Pending) • California Dept. of Fish and Wildlife (CDFW) 1600 Streambed Alteration Agreement (1602) Operational Law (OpLaw) Letter
4	Is there documented evidence of compliance with Section 1602 of the State of California Fish & Game Code (e.g., copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee), as applicable? (General Mitigation Measure 4)	Pending	<p>On September 19, 2013, CDFW issued an Operation of Law (OpLaw) letter notifying the Transportation & Storm Water Department (T&SWD) that CDFW did not meet its statutory requirements to issue a Streambed Alteration Agreement (SAA) within 60 calendar days from the date the Notification was deemed complete on June 17, 2013. However, a minor modification to the dewatering/diversion plan has been proposed since the OpLaw letter was issued and T&SWD will provide this information to CDFW to determine if a new Notification is required or if the OpLaw letter is still valid to proceed with the project.</p> <p>T&SWD will provide evidence of final authorization to comply with Section 1602 of the State of California Fish & Game Code to permitting authorities prior to final approval.</p>

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Biological Resources			
5	Has a qualified biologist prepared an IBA for each area proposed to be maintained in accordance with the specifications included in the Master Program? (Mitigation Measure 4.3.1)	Y	The IBA (Appendix B) was prepared by URS biologists meeting the qualifications specified in the City of San Diego Guidelines for Conducting Biology Surveys (June 2012 revision) and covers each area proposed to be maintained in accordance with the specifications in the MMP.
6	Have the IMPs and IBAs for maintenance activities within a proposed annual maintenance program been approved by the City's Assistant Deputy Director (ADD) Environmental Designee and state and federal agencies with jurisdiction over maintenance activities? (Mitigation Measure 4.3.2)	TBD	TBD. Requires further City review of the IMP and IBA to satisfy this requirement prior to initiation of any proposed annual maintenance activity.
7	Has an IBA been prepared by a qualified biologist for each proposed maintenance activity, including the required contents? (Mitigation Measure 4.3.3)	Y	See response to No. 5, above.
8	Has a mitigation account been established to provide sufficient funds to implement all biological mitigation associated with the proposed maintenance act? (Mitigation Measure 4.3.4)	N/A	The mitigation efforts associated with this project will be funded by the T&SWD's annual budget. A Departmental Internal Order (I/O) number/account has been set up to track mitigation costs to allocate appropriate funding to implement associated biological mitigation projects.
9	Has evidence been provided documenting approval of the proposed maintenance by permitting authorities? (Mitigation Measure 4.3.5)	Pending	T&SWD will provide final authorization to comply with permitting authorities prior to final approval. Note, T&SWD has already submitted applications/notification for the proposed maintenance project to the ACOE, RWQCB, and CDFW but authorizations are pending at this time. A SCR submittal to Coastal Commission is being submitted concurrently with DSD's submittal and review. See response to No. 3, above.
10	Does the IMP call for a pre-maintenance meeting, if identified in the associated IBA? (Mitigation Measure 4.3.6)	Y	Appropriate notes requiring a pre-maintenance (i.e. pre-construction) are included on the IMP, Sheet 6 and 7, as recommend in the IBA.

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Biological Resources (cont.)			
11	Does the IBA for each proposed maintenance activity identify appropriate wetland mitigation measures according to the ratios identified in Table 4.3-10? (Mitigation Measure 4.3.9)	Y	The proposed maintenance will impact a subset of those areas impacted during emergency maintenance in 2011. The 2011 impact acreages total 1.91 acres of freshwater marsh, disturbed wetland, southern willow scrub, and riparian scrub within Reaches 3 (MMP Map 11 & 12) and Reach 7 (MMP Map 9). Since the proposed maintenance would cover the same jurisdictional area as the emergency maintenance; appropriate mitigation of 1.91 acres of compensatory wetland habitat (1:1 creation) at the El Cuervo Del Sur and 5.53 acres of compensatory wetland enhancement at Los Peñasquitos Canyon mitigation sites are consistent with the ratios identified in the PEIR Table 4.3-10. Mitigation planned for these channels is consistent with the programmatic approach of one-time mitigation for channels with repeated maintenance activities. See Appendix B – IBA, Table 4. Mitigation Proposed for Sorrento Valley Maintenance Area Impacts
12	Have wetland mitigation plans and enhancement and/or restoration plans been prepared and submitted to the DSD pursuant to the requirements described in Mitigation Measure 4.3.10? Are they consistent with Appendix H of the Biological Technical Report (BTR) contained in Appendix D.3 of the PEIR? (Mitigation Measure 4.3.10)	Y	See Appendix H - El Cuervo Del Sur Conceptual Wetland Enhancement Habitat Mitigation and Monitoring Plan; and Appendix I - Los Peñasquitos Canyon Preserve Conceptual Wetland Enhancement Plan. Both sites are located within the Los Peñasquitos Canyon Preserve which was identified as a potential mitigation area. These wetland mitigation plans have been prepared consistent with the PEIR's BTR Conceptual Mitigation Plan (Appendix H) requirements.
13	Would upland impacts be compensated through payment into the City's Habitat Acquisition Fund, or through acquisition and/or preservation of land in accordance with the ratios and requirements identified in Table 4.3-11? (Mitigation Measure 4.3.11)	N	As identified in Appendix B – IBA, approximately 0.03 acres of Tier IV, non-native vegetation/ornamental upland habitat would be impacted by the proposed maintenance. In accordance with the requirements in Table 4.3-11 and the City's Biological Resources Guidelines, no mitigation is required for Tier IV, upland habitat.

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Biological Resources (cont.)			
14	If the maintenance activity would result in loss of habitat for the coastal California gnatcatcher, is mitigation planned (i.e., through the acquisition of suitable habitat or mitigation credits within the MHPA at a ratio of 1:1, to be accomplished within six months of the date of maintenance completion? (Mitigation Measure 4.3.12)	N/A	No <u>direct</u> impact to the loss of coastal California gnatcatcher (CAGN) habitat (i.e. Coastal Sage Scrub) are identified or mapped within the maintenance area. Note however, CAGN habitat has been mapped adjacent and to the southwest of the Flintkote Channel (MMP Map 9/Reach 7) with the City's MSCP's MHPA. Appropriate mitigation measures for indirect impacts related to maintenance noise would be implemented during applicable breeding season (March 1 – August 15). See Appendix B – IBA.
15	If sensitive biological resources may be impacted, would the monitoring biologist be able to verify that the following actions have been taken: <ul style="list-style-type: none"> • Has fencing, flagging, signage, or other means to protect sensitive resources been implemented? • Are noise attenuation measures needed to protect sensitive wildlife in place and effective? • Have nesting raptors been identified and necessary maintenance setbacks have been established if maintenance is to occur between February 1 and August 1? (Mitigation Measure 4.3.13)	Y	See Appendix B – IBA and Appendix E – INA. The required monitoring biologist will verify compliance with these items before and during maintenance activities. Note, work proposed outside the avian breeding season would not result in a significant indirect noise impact and no noise mitigation is required. Applicable raptor bird nesting and sensitive wildlife protocol surveys are required if work is proposed during the breeding season and mitigation measures, such as avoidance, will be implemented in conformance with the Master Program and PEIR.
16	Have off-site mitigation areas been reviewed to determine if the mitigation would have a significant impact on biological resources located within the disturbance area of the mitigation? If so, have appropriate mitigation measures been proposed to reduce these impacts to below a level of significance? (Mitigation Measures 4.3.14)	Y	Impacts to biological resources within the disturbance area of the proposed mitigation site have been analyzed. Based on the analysis, no impacts to sensitive native plant or wildlife species will occur. To avoid impacts to avian species, work will not be conducted between March 15 and September 15 to avoid the breeding season. To avoid impacts to adjacent occurrences of willowy monardella, a qualified biologist will flag all occurrences of this species prior to enhancement activities commencing.

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Biological Resources (cont.)			
17	Does the IBA discuss appropriate actions to offset impacts to listed or endemic sensitive plant species? (Mitigation Measure 4.3.15)	Y	See Appendix B – IBA. Applicable biology related maintenance protocols will be implemented, such as: <ul style="list-style-type: none"> • restrict vehicles to access areas; • flag and delineate sensitive biological resources prior to initiation of maintenance activities; • conduct a pre-maintenance meeting on-site with the biologist; and • conduct appropriate pre-maintenance protocol surveys during the breeding season of a sensitive animal species. These avoidance and minimization measures would be implemented to prevent or offset unintended impacts.
18	Would maintenance activities meet setback requirements for sensitive species? (Mitigation Measure 4.3.16)	Y	See Appendix B – IBA. Maintenance activities would be conducted outside of the raptor breeding season (January 15 through August 31). If maintenance is planned during the raptor nesting season, pre-maintenance surveys would be conducted and maintenance setback buffers established around active nests in accordance with PEIR Mitigation Measure 4.3.13.
19	Would clearing, grubbing, or grading (inside and outside the MHPA) be restricted during the breeding season of the listed species? Have protocol surveys been conducted for other potentially occurring sensitive species? If observed, have adequate mitigation measures been identified in the IBA? (Mitigation Measure 4.3.17)	Y	See Appendix B– IBA Attachment 3- Applicable PEIR Mitigation Measures. Clearing, grubbing, and grading would be restricted during the breeding season of listed species. Protocol surveys for federally/state listed endangered least Bell’s vireo (LBV) are not required at the maintenance site; but have been completed at the mitigation site within the Los Peñasquitos Canyon Preserve. LBV were not detected at the mitigation site, but this sensitive species were detected within 750 feet of the site. As such, adequate mitigation measures (approved by USFWS) will be implemented to ensure potential impacts to LBV are mitigated to a level below significance. Adequate mitigation measures are included in IBA – Attachment 3.

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Biological Resources (cont.)			
20	Has evidence been submitted to document that protocol surveys have been conducted for potentially occurring sensitive bird species? (Mitigation Measure 4.3.18)	Y, in progress	See Appendix B – IBA. Habitat for sensitive bird species (i.e. Light-Footed Clapper Rail, LBV, Southwestern Willow Flycatcher) does not occur in the maintenance areas, but is adjacent to the east and west ends of the Soledad Creek maintenance area. Protocol surveys would not be necessary for LBV or Southwestern Willow Flycatchers because maintenance will occur outside of the breeding seasons for these species. LBVs are assumed to be present in the project vicinity without the need for presence/absence surveys based on CNDDDB records and an observation during the URS 2013 site visit.
21	Has the IBA included appropriate mitigation measures when the potential exists for a sensitive bird species to occur near a proposed maintenance area and no protocol surveys have been conducted? (Mitigation Measures 4.3.19, 20 and 21)	Y	See Appendix B – IBA, Attachment 4. Yes, the IBA includes avoidance of sensitive bird breeding seasons.
22	Would removal of any eucalyptus trees or other trees used by raptors for nesting be proposed within the maintenance area? If yes, would maintenance include appropriate setbacks and limitations? (Mitigation Measure 4.3.22)	N	The project does not propose removal of any eucalyptus or other trees in the maintenance area that could be used by raptors.
23	Would maintenance activities occur at known localities for listed fish species? If yes, would maintenance include appropriate mitigation? (Mitigation Measure 4.3.23)	N	There are no known listed fish species occurring within the project area.
24	Would maintenance activities occur within areas supporting listed and/or narrow endemic plants? If yes, would maintenance proceed as described in Mitigation Measure 4.3.24?	N	Listed/narrow endemic plants were not found in the maintenance area and are not expected to occur in the concrete-lined segments proposed for maintenance. See Appendix B – IBA, Attachment 1, CNDDDB Rare Find Records Search.

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Biological Resources (cont.)			
25	If maintenance is proposed during the nesting season of avian species, including those species not covered by the MSCP, does the IBA require maintenance within or adjacent to avian nesting habitat occur outside of the avian breeding season (January 15 to August 31) unless postponing maintenance would result in a threat to human life or property? (Mitigation Measure 4.3.25)	Y	See Appendix B – IBA. As an avoidance measure, maintenance should occur outside of the avian breeding season. If maintenance is necessary during the avian nesting season, a nesting survey would be conducted immediately prior to maintenance so that any active nests could be avoided and appropriate buffers are adhered to during maintenance that could not be postponed due to an imminent threat to human life or property.
Historical Resources			
26	Has a qualified archaeologist determined the potential for significant historical resources to occur in the maintenance area and prepared an IHA? (Mitigation Measure 4.4.1)	Y	A qualified archaeologist (URS) has determined that the project occurs in an area of moderate to high archaeological sensitivity and has prepared an IHA (Appendix C) to document resource potential. Because project work only occurs in cement-lined Reach 3 and Reach 7, and their associated paved access, loading, and staging areas, no mitigation measures are necessary outside of PEIR HIST-2 protocol, as stated in the IHA (Appendix C - IHA, Mitigation, pg. 19).
27	Has an Individual Historical Assessment (IHA) been prepared for the proposed maintenance? (Mitigation Measure 4.4.1)	Y	See Appendix C – IHA. An IHA has been prepared in compliance with the City of San Diego Historical Resources Guidelines and MMP.
28	If required, has a field survey of the maintenance activity APE been performed by a qualified archaeologist and a Native American monitor? (Mitigation Measure 4.4.1)	Y	An intensive field survey was completed by qualified archaeological consultants, which included a Principal Investigator (PI) from URS and a Native American Monitor from Red Tail Monitoring and Research.
29	Has a record search been requested from the South Coastal Information Center (SCIC)? (Mitigation Measure 4.4.1)	Y	A full records search was requested from the SCIC on March 26, 2013 and on April 19, 2012 at the South Coast Information Center, San Diego, CA. Appendix C-IHA, Attachments 2 and 3.
30	Has an archaeological testing program been performed based on the City's Historical Resources Guidelines? (Mitigation Measure 4.4.1)	N	Since the proposed maintenance would be conducted within an existing concrete-lined drainage facility, the potential to encounter historical resources is considered low; therefore testing is not required.

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Master Program PEIR Mitigation, Monitoring, and Reporting Program			
Historical Resources (cont.)			
31	Have significant historical resources been identified within the proposed maintenance activity APE? If yes, address criteria numbers 36 through 42. If no, proceed to criteria number 43. (Mitigation Measures 4.4.1 and 4.4.2)	N	Since the maintenance area is already developed as a fully lined concrete channel, there are no known significant resources within the APE; however, there are multiple significant resources in close proximity to the APE.
32	Has a Principal Investigator (PI) been selected and approved by the SWD and ADD Environmental Designee? (Mitigation Measure 4.4.2.1)	Y	An on-call qualified archaeological PI, Rachael Nixon (URS) has been previously approved by the ADD, but archaeological monitoring would not be required for maintenance within concrete-lined facilities. Upon request, resumes and qualifications for the PI and monitoring staff will be provided to the ADD Environmental Designee prior to first pre-construction meeting or initiating maintenance activities, if required by PEIR Mitigation Measure 4.4.2.1.
33	Have mitigation recommendations from the IHA been incorporated into the IMP to the satisfaction of the PI and the ADD Environmental Designee? (Mitigation Measure 4.4.2.2)	Y	Mitigation measures are included for inadvertent finds; by project design, all known resources are being avoided. Note, no mitigation or monitoring would be required for maintenance within the concrete-lined facilities of MMP 9, 11 & 12 (Reaches 3 and 7).
34	If impacts to significant historical resources cannot be avoided, has the PI prepared and implemented an Archaeological Research Design and Data Recovery Program (ARDDRP) for the affected resources, with input from a Native American consultant (approved by the ADD Environmental Designee)? (Mitigation Measure 4.4.2.3)	N/A	No significant resources are present within the APE.
35	Has a pre-maintenance meeting been planned and/or conducted on site, including representatives from the PI, Native American consultant, SWD, MMC, Resident Engineer (RE), and MC? (Mitigation Measure 4.4.2.4)	N/A	Significant archaeological impacts are not anticipated for maintenance within fully concrete-lined facilities of Map 9, 11 & 12 (Reaches 3 and 7); therefore a PI or Native American consultant would not be required at the pre-maintenance meeting. Maintenance within the earthen portions of Soledad Canyon/Sorrento Creek and Los Peñasquitos Creeks would not be authorized under this SCR approval, and will be avoided.
36	If human remains have been discovered in the course of conducting the ARDDRP, would the procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) be implemented? (Mitigation Measure 4.4.2.5)	Y	If human remains are discovered, maintenance will stop and the on-call PI would be notified to implement the required procedures under MMRP condition, 4.4.2.5.

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Historical Resources (cont.)			
37	Will the PI and Archaeologist assume required responsibilities? (Mitigation Measures 4.4.2.6, 4.4.2.7, and 4.4.2.8)	Y	If resources are discovered during project maintenance these mitigation measures will be implemented.
38	If the IHA identifies a moderate to high potential for the occurrence of significant historical resources within the APE, would mitigation measures be implemented? (Mitigation Measure 4.4.3)	Y	The potential for the occurrence of resources in the APE is considered low; at this time there are no known significant resources present within the APE.
Land Use			
39	Has the ADD Environmental Designee verified that all MHPA boundaries and limits of work have been delineated on all maintenance documents? (Mitigation Measure 4.1.1)	Y	Maintenance is planned in MMP Map 9 (Reach 7) and the southern portion of Map 11 & 12 (Reach 3). These facilities are located outside but in close proximity to the MHPA near 1) the confluence of the Flintkote Channel with Soledad/Sorrento Creek and Los Penasquitos Creek; and 2) the hillside west of the Flinkote Channel. The MHPA boundary near the confluence is shown on Appendix A-IMP, Sheet 4; but the MHPA west of the Flinkote Channel is mapped outside the maintenance areas shown on the IMP. See Appendix A-IBA, Attachment 2 for mapped MHPA locations in relation to maintenance areas.
40	Has a qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) surveyed habitat areas inside and outside the MHPA suspected to serve as habitat for the coastal California gnatcatcher, least Bell's vireo and/or other listed species? (Mitigation Measure 4.1.2)	Y	See Appendix B – IBA. A qualified monitoring biologist is required to survey the project footprint for any listed species, specifically the Light-Footed Clapper Rail. Protocol surveys will be conducted if work is anticipated during a breeding season of a listed species.
41	Has a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) performed a noise analysis for the proposed maintenance activity? (Mitigation Measure 4.1.3)	Y	Mark Storm, an Institute of Noise Control Engineering Board-Certified member (INCE Bd. Cert.), has supervised and reviewed the predictive noise analysis for the proposed maintenance activity. See Appendix F - INA.

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Land Use (cont.)			
42	Would the proposed maintenance have the potential to impact breeding activities of listed species? If yes, would maintenance activities be restricted to outside the breeding season? (Mitigation Measure 4.1.4)	Y	<p>Potential CAGN habitat is present within the 750-foot noise analysis buffer west of the Flinkote Channel (MMP Map 9/Reach 7) located within the City's MHPA. This area would be within a 60 dBA hourly L_{eq} project noise contour. Since it would be impracticable to install temporary noise barriers at this location, it is recommended that maintenance activities be avoided during the CAGN breeding season of March 1 to August 15.</p> <p>Potential LBV habitat is located within the 70 dBA hourly L_{eq} project noise contour associated with the Flinkote Channel (MMP Map 9/ Reach 7). LBV along Reach 2 and the northwestern edge of Reach 3 (see Figure 1 of the INA) are considered to be present in or adjacent to the project area. A noise barrier could be installed, however it is recommended that maintenance activities be avoided during the LBV breeding season of March 15 to September 15.</p> <p>See Appendix B - IBA and Appendix F - INA.</p>
43	If maintenance cannot be avoided during an identified breeding season for a listed bird which is determined to be potentially significantly affected by maintenance, would the appropriate measures be taken? (Mitigation Measure 4.1.5)	Y	See response to #42, above.
44	Has a pre-maintenance meeting been planned and/or conducted, including the MC, Project Biologist, and City representative? (Mitigation Measure 4.1.6)	Y	A pre-maintenance meeting will be scheduled in coordination with MMC prior to initiating project activities. A biological monitor will be required and included in the pre-maintenance meeting.
45	Does the IMP include appropriate maintenance designs? (Mitigation Measure 4.1.7)	Y	See Appendix A - IMP, Construction BMP Notes and Construction BMP Requirements.
46	Has the ADD Environmental Designee verified that the MHPA boundaries and the requirements regarding coastal California gnatcatcher been included in the IMP and/or IBA? (Mitigation Measure 4.1.8)	TBD	See Appendix B – IBA and IBA Figure No. 2. See response to #39, above.

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Master Program Protocols			
Water Quality			
47	Does the IMP include measures to stabilize designated access roads (or other graded areas) with permeable protective surfacing (e.g., grasscrete), storm water diversion structures (e.g., brow ditches or berms), or crossing structures (e.g., culverts) to control erosion and prevent off-site sediment transport? (WQ-1)	Y	See Appendix A-IMP and maintenance BMP Notes on Sheet 6 and 7. Specific BMPs that will be implemented during maintenance have also been identified in Appendix G - Water Pollution Control Plan (WPCP).
48	Does the IMP include measures to prevent off-site sediment transport during maintenance through the use erosion and sediment controls within storm water facilities, along access routes and around stockpile/staging areas? Will temporary erosion or sediment control measures be removed upon completion of maintenance unless their removal would result in greater environmental impact than leaving them in place? (WQ-2)	Y	See Appendix A – IMP, Maintenance BMP Notes 6-12, & 16 on Sheet 6. Specific BMPs (e.g. fiber rolls, sandbags, etc.) that will be implemented to address erosion and sediment controls have also been identified in Appendix G - WPCP.
49	Does the IMP require storage of BMP materials on-site in a way that provides complete protection of exposed areas and prevent off-site sediment transport? (WQ-3)	Y	See Note 30 included on IMP - Sheet 6 and in WPCP.
50	Does the IMP require training for personnel responsible for the proper installation, inspection, and maintenance of on-site BMPs. (WQ-4)	Y	See Note 37 included on IMP - Sheet 6 and in WPCP.
51	Does the IMP require revegetation of spoil and staging areas within 30 days of completion of maintenance activities? Does it require monitoring and maintenance of revegetated areas for a period of not less than 25 months following planting? (WQ-5)	Y	See Note 39 included on IMP - Sheet 6 and in WPCP.
52	Does the IMP require sampling and analysis; monitoring and reporting; and post-maintenance management programs per National Pollutant Discharge Elimination System (NPDES) and/or City requirements? (WQ-6)	Y	See Appendix G - WPCP and Appendix A - IMP, Maintenance BMP Notes (Sheet 6) and Additional Maintenance Requirements (Sheet 7).
53	Does the IMP prohibit storing hazardous materials used during maintenance within 50 feet from storm water facilities? Does it require hazardous materials to be managed and stored in accordance with applicable local, state and federal regulations? (WQ-7)	Y	See Note 22 included on Appendix A – IMP, Sheet 6.
54	Does the IMP prohibit storage of maintenance-related trash in areas within 50 feet from storm water facilities, and require removal of trash in receptacles at least weekly? (WQ-8)	Y	See Note 23 included on Appendix A – IMP, Sheet 6.

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Master Program Protocols (cont.)			
Water Quality (cont.)			
55	Does the IMP require installation of any check dam or other comparable mechanism identified in the corresponding IHHA? Are these structures required to be removed when vegetation growth has reached a point where the structure is no longer required unless removal would result in greater environmental harm than leaving them in place? (WQ-9)	N	See Appendix D - IHHA which does not recommend the installation of check dams since erosion caused by higher velocities resulting from maintenance is not applicable within concrete-lined channels.
56	Does the IMP require inspection of earthen-bottom storm water facilities within 30 days of the first 2-year storm following maintenance? Are erosion control measures recommended by the field engineer incorporated into the IMP? (WQ-10)	N/A	Proposed maintenance would be conducted in concrete-lined, not earthen-bottom channels and therefore erosion control measures are not applicable.
57	Does the IMP incorporate mitigation measures identified in the IWQA and/or Table 4.8-8 of the PEIR?	N	See Appendix E – IWQA. The results of IWQA process suggest that there is a pollutant reduction benefit due to sediment removal as a result of the proposed maintenance activities, and therefore no additional mitigation is necessary. However, the City will implement water quality improvement activities, as required by the governing CDP which satisfy the SDP requirements. The City will utilize a suite of pollution prevention, source control and treatment BMPs to address sediment and other pollutant inputs to the Sorrento Valley channels within the coastal zone.
Biological Resource Protection			
58	Does the IMP restrict vehicles to access designated in the Master Program? (BIO-1)	Y	See Note 8 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
59	Does the IMP require delineation and flagging of all sensitive biological resources to remain within or adjacent to the maintenance area? (BIO-2)	Y	See Note 5 under Additional Maintenance Requirements and Note 9 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
60	Does the IMP require a pre-maintenance meeting when maintenance will occur within or adjacent to sensitive biological resources? (BIO-3)	Y	See Note 2 under Additional Maintenance Requirements and Note 10 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
61	Are erosion control measures designed to avoid introduction of invasive plant species? (BIO-4)	Y	See Note 4 under Additional Maintenance Requirements and Note 11 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.

SUBSTANTIAL CONFORMANCE REVIEW CHECKLIST
MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM

No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Biological Resource Protection (cont.)			
62	Does the IMP require conducting pre-maintenance protocol surveys if maintenance is proposed during the breeding season of a sensitive animal species? (BIO-5)	Y	See Note 12 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
63	If arundo will be removed during maintenance, does the IMP include appropriate removal methods to minimize downstream dispersal? (BIO-6)	Y	See Note 13 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
64	Does the IMP prohibit the use of mechanized maintenance within 300 feet of a Cooper's hawk nest, 900 feet of a northern harrier's nest, or 500 feet of any other raptor's nest until any fledglings have left the nest? (BIO-7)	Y	See Note 14 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
65	Does the IMP include measures to minimize the potential for entrapping wildlife when implementing erosion control measures? (BIO-8).	Y	See Note 8 under Additional Maintenance BMP Requirements included on Appendix A - IMP, Sheet 7.
Historical Resource Protection			
66	Does the IMP call for flagging, capping, or fencing of all historical resource areas in the field prior to initiation of maintenance activities in the presence of a qualified historical resource specialist, as necessary)? (HIST-1)	N	See Appendix C – IHA. No flagging, capping or fencing of historical resources is required because the maintenance would be conducted within existing paved street right-of-way and concrete-lined facilities and the potential to encounter archaeological resources has been reduced to a level below significance.
67	Does the IMP require a pre-maintenance meeting on-site when maintenance activities are determined in the IHA to potentially impact historic resources? (HIST-2)	N	Significant archaeological impacts are not anticipated for maintenance within fully concrete-lined facilities of Map 9, 11 & 12 (Reaches 3 and 7); therefore a PI or Native American consultant would not be required at the pre-maintenance meeting. Maintenance within the earthen portions of Soledad Canyon/Sorrento Creek and Los Peñasquitos Creeks would not be authorized under this SCR approval, and will be avoided.
Waste Management			
68	Does the IMP call for disposal of compostable green waste material at an approved composting facility, if available? (WM-1)	Y	See Note 15 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
69	Does the IMP call for screening of soil, sand, and silt to remove waste debris and, wherever possible, to be re-used as fill material, aggregate, or other raw material? (WM-2)	Y	See Note 21 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.

SUBSTANTIAL CONFORMANCE REVIEW CHECKLIST**MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM**

No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Waste Management (cont.)			
70	Does the IMP call for separation and transport of waste tires to an appropriate disposal facility, including the completion of a Comprehensive Trip Log (CTL) if more than nine tires are in a vehicle or waste bin at any one time? (WM-3)	Y	See Note 17 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.
71	Does the IMP require hazardous materials encountered during maintenance to be logged under a hazardous materials manifest and transported to an approved hazardous waste storage, recycling, treatment or disposal facility? (WM-4)	Y	See Note 18 under Maintenance Protocol Requirements included on Appendix A - IMP, Sheet 7.