

Substantial Conformance Review for Individual Maintenance Plan (IMP) and Individual Technical Assessments for Tijuana River Pilot Channel and Smuggler's Gulch, City of San Diego Site Development Permit No. 1134892, Master Storm Water System Maintenance Program

Attachment 3

Substantial Conformance Review Checklist

**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 modified 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 modified SDP Conditions.

**Date:** Updated July 15, 2015

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**ACTIVITY INFORMATION**

**Master Program**

**Map #(s):** 138, 138a, 138b, 138c, 139

**City Equipment #(s):** 88000300, 88000232

**Creek Name:** Tijuana River Pilot Channel and Smuggler’s Gulch

**Watershed(s):** Tijuana River Hydrologic Unit

**Location:** Southwest of the I-5/905 interchange, North of Monument Rd, East of the Tijuana River Estuary

**DOCUMENTS INCLUDED IN CONSISTENCY DETERMINATION PACKAGE**

<b>Included</b>	<b>NA</b>	<b>Document</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Maintenance Plan (IMP)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Biological Assessment (IBA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Historical Assessment (IHA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Hydrologic and Hydraulic Assessment (IHHA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Water Quality Assessment (IWQA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Individual Noise Assessment (INA)

**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)
<b>Master Program PEIR Mitigation, Monitoring, and Reporting Program</b>			
<b>General Mitigation</b>			
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	See IMP Attachment 1.b – Master List of BMPs, Maintenance Protocols and Mitigation Measures (subsections on Biological Resource Protection, Historical Resource Protection, and Land Use Policy Protection). Also, see the following IMP Appendices: <ul style="list-style-type: none"> <li>• Biological Resources, see Appendix B – IBA, Attachment 2 – Applicable PEIR Mitigation Measures</li> <li>• Historical Resources, see Appendix C – IHA, Attachment 4 – Applicable PEIR Mitigation Measures.</li> <li>• Land Use, see Appendix B - IBA (Mitigation section and Attachment 2) and see INA (Mitigation section and Attachment 1).</li> <li>• Paleontological Resources: A paleontological record search was requested from the San Diego Museum of Natural History for the eastern portion of the APE on November 6, 2012 (see IHA Attachment 2-3 for results), and a supplemental paleontological record search was requested for the eastern portion of the APE on December 20, 2012. Prior to initiating maintenance activities, if paleontological resources are known to occur within the Area of Potential Affect (APE), the project will comply with the Paleontological Resources requirements specified in the MMP, Appendix C, Mitigation Measure 4.7.1.</li> </ul>
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	See IMP, Attachment 1b - Master List of BMPs: page 3 (WQ 4.8.3), page 12 (BIO-3), page 13 (BIO 4.3.6), and page 28 (HIST-2). See Appendix B – IBA, Attachment 2. See Appendix C – IHA, Attachment 4: 4.4.3.2, B and 4.4.3.5, A, 1.

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<b>No.</b>	<b>Measure/Criteria</b>	<b>Y/N/NA</b>	<b>Basis for Determination (attach separate sheet(s) as necessary)</b>
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:</p> <ul style="list-style-type: none"> <li>• Modified Master Maintenance Program (MMP)</li> <li>• Master Maintenance Program Environmental Impact Report (PEIR)</li> </ul> <p>See Also: IMP Attachment 2 – Regulatory Permits, which includes the following:</p> <ul style="list-style-type: none"> <li>• Coastal Development Permit (CDP) Application No. A-6-NOC-11-086</li> <li>• Site Development Permit No. 1134892 for modified Master Maintenance Program Project No. 320787</li> <li>• Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification No. 09C-077</li> <li>• Army Corps of Engineers (ACOE) 404 Permit SPL-2009-00719-RRS</li> <li>• California Dept. of Fish and Wildlife (CDFW) 1600 Streambed Alteration Agreement (1600) No. 1600-2011-0271R5</li> <li>• U.S. Fish and Wildlife Service (USFWS) Tijuana River Flood Control Biological Opinion (BO) (FWS-SDG-08B0600-10F0001)</li> </ul>
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)	Y	<p>See IMP Attachment 2 – Regulatory Permits, which includes (among other permits):</p> <ul style="list-style-type: none"> <li>• California Dept. of Fish and Wildlife 1600 Streambed Alteration Agreement No. 1600-2011-0271-R5</li> </ul>

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
<b>Biological Resources</b>			
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	Vipul Joshi is a qualified biologist, and he prepared Appendix B – IBA, which covers each area proposed to be maintained in accordance with the specifications in the Master Program.
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	Note: 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 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	Ongoing mitigation efforts are funded by Transportation & Storm Water Department. Internal order number 11003022 has been set up to track these costs.
9	Has evidence been provided documenting approval of the proposed maintenance by permitting authorities? (Mitigation Measure 4.3.5)	Y	See IMP Attachment 2 – Regulatory Permits.
10	Does the IMP call for a pre-maintenance meeting, if identified in the associated IBA? (Mitigation Measure 4.3.6)	Y	See IMP Attachment 1.b – Master List of BMPs, Maintenance Protocols and Mitigation Measures, in the following sections: <ul style="list-style-type: none"> <li>• PEIR (WQ-4.8.3, page 3)</li> <li>• MMP (BIO-3, page 12)</li> <li>• PEIR (BIO-4.3.6, page 13)</li> <li>• MMP (HIST-2, page 28)</li> </ul>

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<b>No.</b>	<b>Measure/Criteria</b>	<b>Y/N/NA</b>	<b>Basis for Determination (attach separate sheet(s) as necessary)</b>
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	See Appendix B – IBA, Attachment 2, no new biological impacts associated with this maintenance event were identified requiring mitigation. Mitigation for channel construction and past channel maintenance is described in the IBA and is ongoing.
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 response to number 11 above. See Appendix B – IBA, Environmental Mitigation Requirements section. A Final Wetlands Mitigation and Monitoring Plan (Dudek, February 2013), First Annual Mitigation Monitoring Report for the Tijuana River Valley Channel Maintenance Mitigation Project (Dudek 2015) and Current Condition Verification for the Tijuana River Emergency Channel Maintenance Wetland Mitigation Project, San Diego County, California Valley Mitigation Site Verification Report (Dudek, 2015) is included in Appendix F
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/A	N/A. See Appendix B – IBA, Biological Resource Conditions Relative to Original Survey Conducted for MASTER PROGRAM Final Program EIR section. This section states that “Uplands impacts are to Non-Native Vegetation and Disturbed/Ruderal land, which are both Tier IV and do not require mitigation per the MSCP and PEIR. Potential wetland and upland impacts have been adequately addressed in the PEIR, no new impacts were identified, and no new biological mitigation is required.”

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
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	N/A. See Appendix B – IBA. No suitable coastal California gnatcatcher habitat will be impacted or is within the maintenance area.
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"> <li>• Has fencing, flagging, signage, or other means to protect sensitive resources been implemented?</li> <li>• Are noise attenuation measures needed to protect sensitive wildlife in place and effective?</li> <li>• Have nesting raptors been identified and necessary maintenance setbacks have been established if maintenance is to occur between February 1 and August 1?</li> </ul> (Mitigation Measure 4.3.13)	Y	See Appendix B – IBA and Appendix E – INA.  The monitoring biologist will verify these items before and during work.  Work proposed outside the avian breeding season is not anticipated to result in significant indirect noise impacts. If necessary, appropriate noise attenuation will be employed. Bird nesting and 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)	N/A	No new impacts requiring mitigation have been identified. Mitigation authorized with the previous maintenance was assessed during the previous substantial conformance review.
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. No such impacts are anticipated; measures to prevent unintended impacts are included.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
18	Would maintenance activities meet setback requirements for sensitive species? (Mitigation Measure 4.3.16)	Y	See Appendix B – IBA. Yes, the maintenance activities would meet the setback requirements for sensitive species. This topic is discussed in the IBA, and IBA Attachment 2 – Applicable PEIR Mitigation Measures.
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 and IBA Attachment 2. Yes, clearing, grubbing, and grading would be restricted during the breeding season of listed species. At least one protocol survey will be conducted for potentially occurring sensitive species. Adequate mitigation measures are included in IBA – Attachment 3.
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. Previous protocol surveys have already been reported; new surveys will be reported once completed.
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. Yes, the IBA includes avoidance of dredging during the sensitive bird breeding season. With respect to Mitigation Measure 4.3.19, SWD shall perform protocol surveys.  In addition, see response to #15 above in reference to noise attenuation measures for sensitive wildlife.
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/A	See Appendix B – IBA, Attachment 2. If non-native trees are removed, appropriate setbacks and limitations will be followed.
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	See Appendix B – IBA. There are no known listed fish species occurring within the project area.



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### MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM

No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
<b>Biological Resources (cont.)</b>			
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	See Appendix B – IBA. Listed/narrow endemic plants were not found and are not expected to be found within the maintenance footprint; nearby rare plants outside of the maintenance footprint will be flagged to protect them from accidental impacts.
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. Yes, with the possibility that maintenance could occur after January 15 if raptor nest surveys find no active nests in accordance with Mitigation Measure 4.3.21.
<b>Historical Resources</b>			
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	See Appendix C – IHA. An Archaeological Resource Analysis for the Master Program was completed by Affinis in 2011 and the “Tijuana Hydrologic Unit”, which incorporates the Tijuana River Valley Project (Project) area was determined to have high sensitivity for significant historical resources to occur in the maintenance area. Six cultural resources were recorded within the “Tijuana Hydrologic Unit”, consisting of three historic sites, two prehistoric lithic scatters and a large buried site that appears to represent the ethnohistoric village of Millejo (CA-SDI-10,669). Based on these results, an IHA was prepared.
27	Has an Individual Historical Assessment (IHA) been prepared for the proposed maintenance? (Mitigation Measure 4.4.1)	Y	See Appendix C - IHA.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
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	See Appendix C – IHA, page 13 for field survey methods and IHA pages 15 to 17 for field survey results.
29	Has a record search been requested from the South Coastal Information Center (SCIC)? (Mitigation Measure 4.4.1)	Y	See Appendix C – IHA, page 14 for records search results requested from the SCIC.
30	Has an archaeological testing program been performed based on the City’s Historical Resources Guidelines? (Mitigation Measure 4.4.1)	N/A	See Appendix C – IHA, page 18 for recommendations. No archaeological testing has been recommended.
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	See Appendix C – IHA, pages 15 to 17 for field survey results. No significant historical resources have been identified within the proposed maintenance activity 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	See Appendix C – IHA, page 1. The IHA PI is Brad Comeau, RPA.
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	See Appendix C – IHA, page 17 to 18.
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	N/A. See Appendix C – IHA. Impacts to significant historical resources can be avoided. Per the 2014 Cultural Resources Monitoring Report (Dudek 2014), all sediments encountered during the 2013-14 project were either previously disturbed or were transported into the project area through natural and anthropogenic forces (e.g. erosion from upslope locations and dumping). Conditions are substantially similar for the current maintenance activities and no new historical resources will be impacted.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
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	See Appendix C – IHA, Attachment 4, General Mitigation 2, and Mitigation Measure 4.4.3.2 – Prior to Start of Maintenance. A pre-maintenance meeting will be conducted on site prior to the start of maintenance.
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	See Appendix C – IHA, Attachment 4, Mitigation Measure 4.4.3.4 Discovery of Human Remains.
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	See Appendix C – IHA. Yes, the PI and Archaeologist assume required responsibilities.
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	See Appendix C - IHA. As identified in the IHA, accumulated sediment and trash within the channel deposited since the 2013-2014 maintenance activities are generally the result of recent natural and anthropogenic forces (e.g., erosion, dumping). If artifacts or other resources are present within these sediments, then they would be in a secondary context and therefore do not constitute intact deposits. Accordingly, conditions at the project site have not changed since the most recent archaeological study was performed. The recommendation in the 2014 Cultural Resources Monitoring Report that cultural resource monitoring is no longer necessary during channel maintenance activities is appropriate as there is no potential to impact cultural resources.
<b>Land Use</b>			
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	See IMP Attachment 1, b.

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<b>No.</b>	<b>Measure/Criteria</b>	<b>Y/N/NA</b>	<b>Basis for Determination (attach separate sheet(s) as necessary)</b>
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. Surveys have been conducted in the past, and at least one new survey (clapper rail) will be conducted prior to start of work. A qualified monitoring biologist is required to survey the project footprint for any listed species, specifically the Light Footed Clapper Rail, before maintenance activities are conducted each day. 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	See Appendix E - INA. Mark Storm, an INCE Board-Certified noise control engineer performed the predictive noise analysis of the proposed maintenance activity. Mike Greene, an INCE Board-Certified noise control engineer evaluated the INA in 2015.
42	Would the proposed maintenance have the potential to impact breeding activities of listed species? If yes, would maintenance activities be restricted to the breeding season? (Mitigation Measure 4.1.4)	Y	See Appendix B – IBA. If maintenance occurs between January 15 and September 15, appropriate bird nesting and protocol surveys will be conducted.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
<b>Master Program PEIR Mitigation, Monitoring, and Reporting Program</b>			
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 Appendix B – IBA, Attachment 2 and IMP Attachment 2 – Regulatory Permits (Biological Opinion document). Yes, measures in accordance with the mitigation measures, permits and Biological Opinion conditions will be implemented  The bulleted provisions of Mitigation Measure (MM) 4.1.5 will be performed if proposed maintenance activity had to occur during breeding season(s). Either the biologist having appropriate experience or training in acoustics, or a qualified acoustician accompanying the biologist, would inspect the installation of noise attenuating devices per the provisions of MM 4.1.5.
44	Has a pre-maintenance meeting been planned and/or conducted, including the MC, Project Biologist, and City representative? (Mitigation Measure 4.1.6)	N	See Appendix B – IBA, Attachment 2, General Mitigation 2, and Mitigation Measure 4.3.6. The pre-maintenance meeting will be planned and/or conducted on site when SCR is approved.
45	Does the IMP include appropriate maintenance designs? (Mitigation Measure 4.1.7)	Y	See IMP Attachment 1, a - Construction Plans, 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)	Y	See Appendix B – IBA.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
<b>Master Program Protocols</b>			
<b>Water Quality</b>			
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 IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
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 IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
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 IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
50	Does the IMP require training for personnel responsible for the proper installation, inspection, and maintenance of on-site BMPs. (WQ-4)	Y	See IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
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 IMP Attachment 1, b - Master List of BMPs and IMP Attachment 1a - Construction Plans for Construction BMP Notes and Requirements.

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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	The project is not subject to NPDES requirements because the NPDES General Construction Permit excludes projects that consist of “routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility” activities (for more information, see Attachment 1c – Water Pollution Control Plan). However, Maintenance Procedure Construction Stormwater BMP Requirement Note 1 under Maintenance BMPs on Sheet 9 of the IMP includes this requirement pursuant to City requirements.
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 IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
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 IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
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 A – IHHA. Determined not necessary in IHHA.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
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)	Y	See IMP Attachment 1, a - Construction Plans for Construction BMP Notes and Requirements and IMP Attachment 1, c -Water Pollution Control Plan.
57	Does the IMP incorporate mitigation measures identified in the IWQA and/or Table 4.8-8 of the PEIR?	Y	See IMP, Attachment 1b - Master List of BMPs and IMP Attachment 1a - Construction Plans for Construction BMP Notes and Requirements.
<b>Master Program Protocols (cont.)</b>			
<b>Biological Resource Protection</b>			
58	Does the IMP restrict vehicles to access designated in the Master Program? (BIO-1)	Y	See IMP Attachment 1a Sheets 11-15.
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 IMP Attachment 1a Sheets 11-15.
60	Does the IMP require a pre-maintenance meeting when maintenance will occur within or adjacent to sensitive biological resources? (BIO-3)	Y	See IMP Attachment 1a Sheets 11-15.
61	Are erosion control measures designed to avoid introduction of invasive plant species? (BIO-4)	Y	See IMP Attachment 1a Sheets 11-15.
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 IMP Attachment 1a Sheets 11-15.
63	If arundo will be removed during maintenance, does the IMP include appropriate removal methods to minimize downstream dispersal? (BIO-6)	Y	See IMP Attachment 1a Sheets 11-15.
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 IMP Attachment 1a Sheets 11-15.



**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)
65	Does the IMP include measures to minimize the potential for entrapping wildlife when implementing erosion control measures? (BIO-8).	Y	See IMP – Attachment 2, Regulatory Permits
<b>Historical Resource Protection</b>			
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	N/A
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)	Y	N/A. A pre-maintenance meeting shall be conducted, although maintenance activities are determined in the IHA to not impact historic resources.
<b>Waste Management</b>			
68	Does the IMP call for disposal of compostable green waste material at an approved composting facility, if available? (WM-1)	Y	See IMP Attachment 1b - Master List of BMPs, page 35, and IMP Attachment 1a – Construction Plans, Construction BMP Notes: #12 for guidance on WM-1.
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 IMP Attachment 1b - Master List of BMPs, page 35, and IMP Attachment 1a – Construction Plans, Construction BMP Notes: #12 for guidance on WM-2.
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 IMP Attachment 1b - Master List of BMPs, page 35, and IMP Attachment 1a – Construction Plans, Construction BMP Notes: #12 for guidance on WM-3.
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 IMP Attachment 1b - Master List of BMPs, page 35, and IMP Attachment 1a – Construction Plans, Construction BMP Notes: #14 for guidance on WM-4. Spill cleanup materials shall be available on site at all times.