

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.

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ACTIVITY INFORMATION

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

City Equipment #(s): 880005272, 880005271, 88000252 (partial), 88000251, 88000250

Creek Name: Soledad Canyon/Sorrento Creek & Flintkote Channel

Watershed(s): Los Peñasquitos

Location: 11040 Roselle Street & 10635-11055 Roselle Street

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Maintenance Methodology Table (MMT) – Appendix G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Maintenance Activity Report (MAR) – Appendix H

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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>Mitigation measures for noise or paleontological resources were not required. A moderate or high potential for archaeological resources existed in or adjacent to the project area. Mitigation measures included preparing an Individual Historic Assessment (IHA). The IHA is included as Appendix C.</p> <p>Mitigation was required to compensate for maintenance impacts to biological resources, namely wetlands. Compensation for the temporary loss of wetland habitat was required through enhancement, restoration and/or creation at a ratio of 1:1 (refer to Notice of Exemptions (NOE) issued for the project).</p> <p>No land use impacts occurred which required mitigation.</p>
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>Due to the emergency nature of the work, the pre-maintenance meeting was conducted on site on the first day of emergency maintenance (1/16/2011). The pre-maintenance meeting included a SWD maintenance manager, a maintenance contractor, and a monitoring biologist.</p> <p>The Individual Biological Assessment (IBA) listed a pre-maintenance meeting with a qualified biologist as applicable maintenance protocol Bio-3. A biological monitor was provided on site during maintenance.</p> <p>Since maintenance, access, and staging areas occurred within developed, existing facilities or street right-of-way, the likelihood to discover historical or paleontological resources was considered low; however, an archeologist was present. (See Appendix A – Maintenance Activity Reports)</p>

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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 (cont.)			
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>This project was Emergency Maintenance and the following permits and other approvals were issued at the time of the maintenance, or were pending and are now issued:</p> <ul style="list-style-type: none"> • City of San Diego Master Storm Water System Maintenance Program (MMP) was pending • Master Storm Water System Maintenance Program Environmental Impact Report (PEIR) Project No. 42891/SCH No. 2004101032 was pending • City of San Diego Emergency Coastal Development Permit Project No. 228735 • City of San Diego Notice of Exemption, Emergency Exemption to Maintain Flintkote Channel (Map 9) and Sorrento/Soledad Creeks (Maps 11, 12, & 13) Storm Drainage Facilities Project No. 228735 • Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification covered under RGP 63 File No. 995007000-BAH • Army Corps of Engineers (ACOE) RGP 63 for Project File No. SPL-2010-01177-MBS <p>California Department of Fish and Wildlife Lake or Streambed Alteration Program Notification of Emergency Work File No. 1600-2011-0002-R5</p>
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>As an emergency activity, Section 1610 of the California Fish and Game Code exempted the maintenance from requiring a Streambed Alteration Agreement (SAA). However, appropriate notification was provided to CDFW on January 5, 2011.</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 (See Appendix B) was prepared retroactively for the emergency maintenance 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 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 ADD Environmental Designee and state and federal agencies with jurisdiction over maintenance activities? (Mitigation Measure 4.3.2)	NA	The IMP and IBA was initiated in conformance with the anticipation of the MMPs acceptance (subsequently accepted July, 2013) (See Appendix B).
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)	Y	The mitigation efforts associated with this Emergency Maintenance were and continue to 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)	Y	As indicated in response to No. 3, documents showing appropriate approvals from state or federal agencies were approved to authorize the emergency maintenance.
10	Does the IMP call for a pre-maintenance meeting, if identified in the associated IBA? (Mitigation Measure 4.3.6)	Y	The IMP called for a pre-maintenance meeting to be conducted with a monitoring biologist in attendance. Appropriate notes requiring a pre-maintenance meeting are included on the first page of Individual Maintenance Plans for Maps 9, 11 & 12 found in Appendix A. A pre-maintenance meeting was also identified in the associated IBA (See Appendix B).

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Master Program PEIR Mitigation, Monitoring, and Reporting Program (cont.)			
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 Emergency Maintenance impact acreages totaled 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). Appropriate mitigation of 1.91 acres of compensatory wetland habitat (1:1 creation) at El Cuervo del Sur Phase I and 5.53 acres of compensatory wetland enhancement at Los Peñasquitos Canyon Primary Enhancement mitigation sites are consistent with the ratios identified in the PEIR Table 4.3-10. Mitigation currently in process for these channels 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 E) El Cuervo Del Sur Conceptual Wetland Enhancement Habitat Mitigation and Monitoring Plan and Los Peñasquitos Canyon Preserve 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 (See 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)	NA	No sensitive upland vegetation was impacted. Therefore, no compensation was required. As identified in Appendix B – IBA, 0 acres of upland impacts occurred during the Emergency Maintenance.
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 Multi-Habitat Planning Area [MHPA] at a ratio of 1:1, to be accomplished within six months of the date of maintenance completion? (Mitigation Measure 4.3.12)	NA	No coastal California gnatcatcher (CAGN) habitat (i.e., Coastal Sage Scrub) occurred within the maintenance area or immediate vicinity. (See Appendix B). Thus, no mitigation was required.

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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 (cont.)			
Biological Resources (cont.)			
15	<p>If sensitive biological resources may be impacted, would the monitoring biologist be able to verify that the following actions have been taken:</p> <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? <p>(Mitigation Measure 4.3.13)</p>	Y	<p>A moderate or high potential existed for listed animal species to occur in or adjacent to the impact area. Specifically, maintenance occurred between January and March 2011, which was during the Light-footed Clapper Rail breeding season. According to the IBA, a pre-construction survey was conducted for clapper rails and the results were negative. A monitoring biologist was on site during maintenance. Because no sensitive birds were discovered within the maintenance area, noise attenuation was not required. While maintenance occurred between February 1 and August 1, no nesting raptors were reported in either the IBA or Maintenance Activity Report (MAR), and no maintenance setbacks were required (See Appendix B and Appendix H).</p>
16	<p>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 Measure 4.3.14)</p>	Y	<p>Impacts to biological resources within the disturbance area of the proposed mitigation site have been analyzed. Based on the analysis, impacts to sensitive native plant or wildlife species have been mitigated for at the El Cuervo del Sur Phase I mitigation site and Los Peñasquitos Primary Enhancement Site. To avoid impacts to avian species, work occurring in El Cuervo del Sur during the bird breeding season may include noise monitoring, noise attenuation measures, nesting bird avoidance buffers. To avoid impacts to Los Peñasquitos Primary Enhancement site's adjacent occurrences of willow monardella, a qualified biologist will flag all occurrences of this species prior to enhancement activities commencing and be present full-time to monitor all work.</p> <p>Impacts to biological resources within the disturbance area of El Cuervo del Sur and Los Peñasquitos Canyon Preserve Mitigation Sites have been analyzed and appropriate mitigation measures have been defined. (See Attachment A.4)</p>
17	<p>Does the IBA discuss appropriate actions to offset impacts to listed or endemic sensitive plant species? (Mitigation Measure 4.3.15)</p>	Y	<p>(See Appendix B – IBA) Applicable biology related maintenance protocols were implemented, such as:</p> <ul style="list-style-type: none"> • restrict vehicles to access areas;

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			<ul style="list-style-type: none"> • 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. <p>These avoidance and minimization measures were implemented to prevent or offset unintended impacts.</p>
Master Program PEIR Mitigation, Monitoring, and Reporting Program (cont.)			
Biological Resources (cont.)			
18	Would maintenance activities meet setback requirements for sensitive species? (Mitigation Measure 4.3.16)	Y	See Appendix B – IBA. Emergency Maintenance activities occurred during the raptor breeding season (January 15 through August 31), however pre-maintenance surveys were conducted and maintenance setback buffers were established around active nests, if found, 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)	NA	Maintenance activities occurred during the breeding season of the Light Footed Clapper Rail. Due to the nature of emergency maintenance, a pre-construction survey was conducted for clapper rails and the results were negative. A biological monitor was provided on site during maintenance. Work was not restricted, as no listed species were found before or during the maintenance.
20	Has evidence been submitted to document that protocol surveys have been conducted for potentially occurring sensitive bird species? (Mitigation Measure 4.3.18)	NA	Maintenance activities occurred during the breeding season of the Light Footed Clapper Rail. Due to the nature of emergency maintenance, a pre-construction survey was conducted for clapper rails and the results were negative. The IBA and MAR both indicate that a Clapper Rail survey was conducted prior to the maintenance, and that no sensitive bird species were found.
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	Maintenance activities occurred during the breeding season of the Light Footed Clapper Rail. Due to the nature of emergency maintenance, a pre-construction survey was conducted for clapper rails and the results were negative.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
			No mitigation measures were required to protect sensitive bird species because a pre-construction survey was conducted, and none were observed or were expected to be present.
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 Emergency Maintenance did not result in the removal of any eucalyptus or other trees 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 extent of the channel segments where Emergency Maintenance was conducted.
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 were not expected to occur in the concrete-lined segments maintained. See Appendix B – IBA, Attachment 3, CNDDDB Rare Find Records Search.
Master Program PEIR Mitigation, Monitoring, and Reporting Program (cont.)			
Biological Resources (cont.)			
25	If maintenance is proposed during the nesting season of avian species, including those species not covered by the Multiple Species Conservation Program (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)	NA	Maintenance was performed within the avian breeding season, between January and March 2011. The IBA was conducted after the fact, and thus does not address the issue of postponing maintenance. However, the maintenance was conducted as an emergency, and postponement could have resulted in a 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 determined that the project would occur in an area of moderate to high archaeological sensitivity and prepared IHAs (Appendix C) to document resource potential. Because Emergency Maintenance occurred in the form of sediment removal in cement-lined Reach 3 and Reach 7, and in the form of vegetation trimming in the earthen bottom Reach 2, and since all access paths, loading, and staging areas were paved, no mitigation measures were necessary outside of PEIR HIST-2

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
			protocol, as stated in the IHAs as well as on page 2 of the IMPs for Maps 9, 11 & 12 in Appendix A.
27	Has an IHA been prepared for the proposed maintenance? (Mitigation Measure 4.4.1)	Y	See Appendix C – IHAs. IHAs were 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 Area of Potential Effect (APE) been performed by a qualified archaeologist and a Native American monitor? (Mitigation Measure 4.4.1)	Y	An intensive field survey was completed on December 28, 2010 by qualified archaeological consultants, which included a Principal Investigator (PI) from Affinis and a Native American Monitor from Red Tail Monitoring and Research. The entire channel was surveyed, as was the area at the top of the channel.
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 December 2, 2010 at the South Coast Information Center, San Diego, CA. See Appendix C-IHAs.
30	Has an archaeological testing program been performed based on the City's Historical Resources Guidelines? (Mitigation Measure 4.4.1)	N	Since the Emergency Maintenance was conducted within an existing drainage facility and because of the emergency nature of the maintenance work, the potential to encounter historical resources was considered low and no testing was not performed. An archeologist was present during maintenance activities.
Master Program PEIR Mitigation, Monitoring, and Reporting Program (cont.)			
Historical Resources (cont.)			
31	Have significant historical resources been identified within the proposed maintenance activity APE? If yes, address criteria numbers 32 through 38. If no, proceed to criteria number 39 (Mitigation Measures 4.4.1 and 4.4.2)	N	Since the maintenance area was conducted within an existing drainage facility, there are no known significant resources within the APE; however, there are multiple significant resources in close proximity to the APE. An archeologist was present during maintenance activities
32	Has a Principal Investigator (PI) been selected and approved by the SWD and ADD Environmental Designee? (Mitigation Measure 4.4.2.1)	NA	A qualified archaeological PI, Mary Robbins-Wade and John Meriwether was present during the Emergency Maintenance. See Appendix A – Maintenance Activity Reports.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
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)	NA	As indicated in the IHA, no mitigation was required. Mitigation measures were included for inadvertent finds, however no mitigation or monitoring is required for maintenance within the concrete-lined facilities of MMP 9, 11 & 12 (Reaches 3 and 7). See Appendix C – IHAs.
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)	NA	As indicated in the IHA, 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)	NA	A pre-maintenance meeting occurred prior to Emergency Maintenance activities with representative from all necessary parties. See Appendix A – Maintenance Activity Reports and page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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)	NA	See response to No. 31.
37	Will the PI and Archaeologist assume required responsibilities? (Mitigation Measures 4.4.2.6, 4.4.2.7, and 4.4.2.8)	NA	See response to No. 31.
Master Program PEIR Mitigation, Monitoring, and Reporting Program (cont.)			
Historical Resources (cont).			
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)	NA	See response to No. 31.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
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)	NA	The maintenance project area is not located within or adjacent to a MHPA. Therefore, no MHPA boundaries were required to be delineated on any maintenance documents.
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	The IBA states that a qualified biologist surveyed habitat areas within and adjacent to the maintenance area. The existing conditions state that the Coastal California Gnatcatcher, Least Bell's Vireo, and Light-footed Clapper Rail were all found to have the potential to occur. The Southwestern Willow Flycatcher was found to have a low to moderate potential to occur in nearby areas.
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	Due the nature of emergency maintenance, an Individual Noise Assessment was completed after the maintenance activity was completed (See Appendix F).

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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 (cont.)			
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	The IBA states that the maintenance activity occurred during the breeding season of listed species. Due to the emergency nature of the project, maintenance was not restricted to outside the breeding season. However, no sensitive species were discovered during a pre-construction survey. A monitoring biologist was on hand during the maintenance and did not find any sensitive bird species during the project activity.
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	While maintenance occurred within or near habitats containing sensitive bird species and during the breeding season, no bird species were found by qualified biologists in either the pre-construction survey or by monitoring during maintenance activity.
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	An on-site pre-maintenance meeting prior to commencing maintenance activities was conducted, as directed by the IMP. Included were a SWD maintenance manager, a maintenance contractor, and a monitoring biologist.
45	Does the IMP include appropriate maintenance designs? (Mitigation Measure 4.1.7)	Y	As indicated in the IMP scope of work, maintenance included a vacator truck and temporary pumps to remove standing water for the protection of downstream areas. See Appendix A – Individual Maintenance Plans, Page 1 and 2 of the plans for Maps 9, 11 & 12 discuss the maintenance methods, scope of work as well as the Water, Biological, and Waste Management protocols.
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)	NA	The maintenance project area is not located within or adjacent to a MHPA. Therefore, no MHPA boundaries were required to be delineated on any maintenance documents.

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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	The IMP included protocol WQ-1 for the minimization of ground disturbance by limiting grading and emphasizing the use of existing roads. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMP included protocol WQ-6 for the installation of sediment controls for access paths and staging areas using measures such as silt fence, fiber rolls, gravel bags, sediment basins, and stabilized construction access points. Portable pumps and a vac truck were placed within the channel to pump any standing water that may have allowed sediment to travel beyond the project boundary. The temporary measures were removed upon completion. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
49	Does the IMP require storage of Best Management Practice (BMP) materials on-site in a way that provides complete protection of exposed areas and prevent off-site sediment transport? (WQ-3)	Y	The IMP included protocol WQ-7 for the provision of on-site capacity for complete protection of exposed areas and preventing off-site sediment transport. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
50	Does the IMP require training for personnel responsible for the proper installation, inspection, and maintenance of on-site BMPs. (WQ-4)	Y	The IMP included protocol WQ-8 for the provision of appropriate training for personnel responsible for BMP installation and maintenance. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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)	NA	Access to the maintenance site was via cement access ramps, a parking lot, and an existing dirt access trail along the earthen channel. As access was via previously disturbed areas, no revegetation was required.
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)	NA	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.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Water Quality (cont.)			
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	The IMP included protocol WQ-13 for storing of on-site hazardous materials at least 50 feet from storm drains and surface waters. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12. However, according to the MAR, no hazardous materials were noted in the area. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMP included protocol WQ-14 for storing of construction-related trash at least 50 feet from storm drains and surface waters, and for their weekly removal. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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)	NA	No check dam or other mechanism was installed or needed during the emergency maintenance.
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 Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.

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No.	Measure/Criteria	Y/N/NA	Basis for Determination (attach separate sheet(s) as necessary)
Master Program Protocols (cont.)			
Biological Resource Protection			
57	Does the IMP incorporate mitigation measures identified in the Individual Water Quality Assessment (IWQA) and/or Table 4.8-8 of the PEIR?	Y	An IWQA was not prepared due to the emergency nature of the maintenance which did not allow sufficient time to complete an IWQA. However, an after-the-fact IWQA was prepared and included in Appendix E. Although an IWQA wasn't initially prepared, measures were taken to control sediment during maintenance including gravel bags placed downstream of sediment removal project area, the use of portable pumps and vacuums within the channel, and the use of street sweepers. Increases in downstream water-borne pollutants were not expected, and no soil was exposed to increase the potential for erosion or downstream sedimentation.
58	Does the IMP restrict vehicles to access designated in the Master Program? (BIO-1)	Y	The IMPs biological protocol BIO-27 stated that vehicles were to be restricted to the approved access ramp as shown on the maintenance plan. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMPs biological protocol BIO-29 stated that any sensitive biological resource areas are to be flagged. As discussed in response to No. 15, a biologist was present to monitor the maintenance activity. However, delineation of biological resources was not required, as no sensitive plant or animal species were discovered. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
60	Does the IMP require a pre-maintenance meeting when maintenance will occur within or adjacent to sensitive biological resources? (BIO-3)	Y	An on-site pre-maintenance meeting prior to commencing maintenance activities was conducted, as directed by the IMP. Included was a monitoring biologist.
61	Are erosion control measures designed to avoid introduction of invasive plant species? (BIO-4)	Y	The IMP's biological protocol BIO-30 called for the avoiding of seed introduction from invasive species during erosion control measures. No invasive species were introduced during maintenance.

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	The IMP's biological protocol BIO-31 called for preconstruction surveys to determine the presence of sensitive animal species. A biological monitor was present due to maintenance work being done during the breeding season. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
63	If arundo will be removed during maintenance, does the IMP include appropriate removal methods to minimize downstream dispersal? (BIO-6)	Y	The IMP included protocol BIO-32 specifying the proper method for the removal of arundo to minimize downstream dispersal. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMP included protocol BIO-33 to identify raptor nests and the maintenance of a 300 foot setback. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12. The MAR and IBA did not note the presence of any raptors during maintenance activity.
65	Does the IMP include measures to minimize the potential for entrapping wildlife when implementing erosion control measures? (BIO-8).	Y	No erosion control measures were associated with the maintenance that would have posed a substantial risk of entrapping wildlife.
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)	NA	See Appendix C – IHAs. No flagging, capping or fencing of historical resources was required because no historical resource areas were discovered in the field by the qualified archeologist as noted in the IHA.
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 did not occur during the Emergency Maintenance activities. While the IMP requires an on-site pre-maintenance meeting (see Appendix A), a PI or Native American consultant would not be required at the pre-maintenance meeting; however, an archaeologist was present during maintenance according to Maintenance Activity Reports (see Appendix H).

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)
Waste Management			
68	Does the IMP call for disposal of compostable green waste material at an approved composting facility, if available? (WM-1)	Y	The IMP included protocol WM-35 calling for the disposal of compostable green waste at approved facilities. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMP included protocol WM-36 calling for the screening of soil, sand, and silt to remove any waste debris. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMP included protocol WM-37 calling for the separation and transport of waste tires if more than nine are placed in a vehicle at any one time. It also calls for a CTL to ensure that disposal is done correctly. However, according to the MAR, no more than nine tires were recovered during maintenance. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.
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	The IMP's included protocol WM-38 calling for the appropriate removal of hazardous materials, should they be discovered. However, according the MAR, no toxic materials were encountered during maintenance. See Appendix A – page 2 of the Individual Maintenance Plans for Maps 9, 11 & 12.