

## INDIVIDUAL BIOLOGICAL ASSESSMENT REPORT

<b>Site Name/Facility:</b>	Siempre Viva and Bristow Storm Water Detention Facility
<b>Master Program Map No.:</b>	126 and 127
<b>Date:</b>	March 8, 2018
<b>Biologist Name/Cell Phone No.:</b>	Jasmine Bakker/619-708-5990 & Summer Schlageter / 916-628-9387

**Instructions:** This form must be completed for each storm water facility identified in the Annual Maintenance Needs Assessment report and prior to commencing any maintenance activity on the facility. The Existing Conditions information shall be collected prior to preparation of the Individual Maintenance Plan (IMP) to assist in developing the IMP. The remaining sections shall be completed after the IMP has been prepared. Attach additional sheets as needed.

### EXISTING CONDITIONS

The City of San Diego (City) has developed the Master Storm Water System Maintenance Program (Master Maintenance Program, MMP; City 2011a) to govern channel operation and maintenance activities in an efficient, economic, environmentally, and aesthetically acceptable manner to provide flood control for the protection of life and property. This document provides a summary of the Individual Biological Assessment (IBA) for proposed maintenance activities within the Siempre Viva and Bristow storm water detention facilities (Maps 126 and 127). The IBA is prepared to comply with the MMP's Programmatic Environmental Impact Report (PEIR; City 2011b). Map numbers correspond to those contained in the MMP.

The IBA procedures under the MMP provide the guidelines for a site-specific inspection of the proposed maintenance activity site including access routes (i.e., loading areas), and temporary spoils storage and staging areas. A qualified biologist determines whether or not sensitive biological resources could be affected by the proposed maintenance and potential ways to avoid impacts in accordance with the measures identified in the Mitigation, Monitoring and Reporting Program (MMRP; Attachment 1) of the PEIR and the MMP protocols. This IBA provides a summary of the biological resources associated with the storm water facility, quantification of impacts to sensitive biological resources, and the nature of mitigation measures required to mitigate for those impacts, if any are found.

### Survey Methods and Date(s)

Prior to performing field surveys, HELIX Environmental Planning, Inc. (HELIX) conducted a review of existing project documentation and permits as part of this IBA. Document review included the MMP, and PEIR (City 2011b) and Appendices.

Potential occurrence of special-status species within the project site was determined by a habitat suitability assessment, a review of records from the California Natural Diversity Database (CNDDB), species occurrence data from the U.S. Fish and Wildlife Service (USFWS) Carlsbad Office's Listing of Multiple Species Database, and the California Native Plant Society rare plant online inventory. A half-mile radius was used to specifically assess the potential for sensitive species for the Siempre Viva and Bristow detention facility maintenance areas.

Upon completion of the original research, HELIX conducted a biological survey and site assessment of the Siempre Viva and Bristow detention facility maintenance areas on January 17, 2017. Vegetation communities were mapped in accordance with the City's Biology Guidelines (City 2012) and followed classifications described by Holland (1986). Data collected during surveys included comprehensive species lists and habitat suitability assessments for sensitive species. Vegetation communities and sensitive species were mapped on a 150-scale (1 inch = 150 feet) map with a 2014 aerial photograph base map. Representative photographs were taken during the survey and are provided in this report. Plants were identified according to The Jepson Manual: Vascular Plants of California (Baldwin et al. 2012).

### **Project Location and Description**

The purpose of the project is to maintain the existing storm water facilities by restoring the original design capacity to provide public safety and protection of property. The City is proposing to maintain the Siempre Viva and Bristow storm water detention facility through the removal of vegetation and accumulated sediment.

The Siempre Viva and Bristow storm water detention facility is made up of two separate storm water detentions that discharge into a single shared detention facility. To facilitate the Individual Hydrology and Hydraulic Assessment (IHHA) prepared for the maintenance (Rick Engineering [Rick] 2017a), the Siempre Viva and Bristow storm water detention facilities were subdivided into three separate “reaches”. The Bristow detention facility includes Reaches 1 and 2 and the Siempre Viva detention facility includes Reach 3. This IBA evaluates all three reaches, including staging and loading areas, where maintenance is currently proposed by the City.

The Siempre Viva detention facility is located east of Britannia Court and southeast of a U.S. Border Patrol (Figure 1). The length of the detention facility runs through an urban area (Figures 2 and 3). The detention facility is located in Section 3 in Township 19 South, Range 1 West on the Otoy Mesa U.S. Geological Survey (USGS) 7.5-minute quadrangle map (Figure 2).

The Bristow detention facility is located east of Britannia Boulevard and north of Bristow Court (Figure 1). The length of the detention facility runs through an urban area (Figures 2 and 3). The detention facility is located in Sections 3 and 4 in Township 19 South, Range 1 West on the Otoy Mesa USGS 7.5-minute quadrangle map (Figure 2).

The Siempre Viva and Bristow detention facility and associated staging and loading areas in Maps 126 and 127 (Reaches 1, 2, and 3) are zoned IBT-1-1 (International Business and Trade). According to the Federal Emergency Management Agency, the facilities are not located within the 100-year floodway. The facilities occur within the Tijuana Hydrologic Unit and Tijuana Valley Hydrologic Area. The facilities are not located within or adjacent to the City’s Multiple Species Conservation Program’s (MSCP) Multi-Habitat Planning Area (MHPA) and are located outside of the Coastal Zone.

The Siempre Viva and Bristow storm water detention facility was constructed as a BMP for the development (Britannia Commerce Center) and was created wholly within uplands. Pursuant to Britannia Commerce Center As-Built Plan 22611-33-D prepared by RICK Engineering, dated March 10, 1988 (Attachment 2), the shared detention facility at the downstream end of Reaches 1 and 3 consists of two linear detention basins and a private wet well. An approximately 3-foot high 24-inch Corrugated Metal Pipe (CMP) riser is located in each linear detention basin and these risers are connected to the wet well between the two basins by 24-inch CMP outflow pipes. Water is pumped out of the wet well by a Hydromatik SK-100 submersible pump. The pump is automatically turned on when the storm water surface in the wet well exceeds 460.67 feet NAVD 88 and turns off when storm water has been drawn down below 460.17 feet NAVD 88. As documented by Hydromatik, this pump has a maximum capacity of 155 gallons per minute (0.34 cubic feet per second). Additionally, the two linear detention basins are connected by an 18-inch Reinforced Concrete Pipe (RCP) that allows storm water surface elevations to equalize between the two linear detention basins.

A more detailed discussion of the detention facility segments is provided below.

#### **Siempre Viva Storm Water Detention Facility, Map 126, Reach 3**

Reach 3 is bound at the downstream end by the shared detention facility and extends approximately 1,300 feet upstream to the outfall of the 18-inch RCP located at the eastern end of Britannia Court. This reach is entirely earthen and has a trapezoidal cross section with a four-foot base width and two-foot horizontal to one-foot vertical side slopes. The upstream portion of Reach 3 is six feet deep. The eastern side slope is approximately five to 5.5 feet deep in the lower portion of the detention facility. Reach 3 receives storm flow from an 18-inch RCP located at the eastern end of Britannia Court and flows into the shared detention facility.

**Bristow Storm Water Detention Facility, Map 126, Reach 1**

Reach 1 of the Bristow detention facility is bound at the downstream end by a detention facility shared with Reach 3, and extends upstream approximately 730 feet to the outfall of a pair of culverts underneath the driveways at the eastern end of Bristow Court. This reach is entirely earthen and has a trapezoidal geometry. The majority of Reach 1 has a base width of four feet and has two-foot horizontal to one-foot vertical side slopes with a depth of six feet. The downstream portion of the reach has a base width of eight feet and two-foot horizontal to one-foot vertical side slopes. The eastern side slopes are approximately five to 5.5 feet deep. Reach 1 receives storm flow from Reach 2 and flows into a detention facility consisting of two separate linear detention basins and a wet well shared with Reach 3.

**Bristow Storm Water Detention Facility, Maps 126 and 127, Reach 2**

Reach 2 is bound at the downstream end by the upstream end of Reach 1 and extends upstream approximately 725 feet to the outfall of the six-foot-wide by three-foot-high reinforced concrete box (RCB) underneath Britannia Boulevard. This reach is entirely earthen and has a trapezoidal geometry throughout with a base width of four feet and two-foot horizontal to one-foot vertical side slopes with a depth of six feet. Two pairs of culverts are located along this reach. The downstream pair of culverts, located underneath the driveways at the eastern terminus of Bristow Court consists of two elliptical high-density polyethylene (HDPE) pipes and is approximately 130 feet in length. The upstream pair of culverts, located underneath a driveway in the middle of Reach 2, also consists of two HDPE pipes and is approximately 50 feet in length. Reach 2 receives storm flow from a six-foot-wide by three-foot-high RCB underneath Britannia Boulevard and flows into Reach 1.

**Biological Resources:**      **Stream Type:** Perennial ☐ Intermittent ☒ Ephemeral ☐

Stream type designations are based on USGS topographical map stream designations and field visit review of the facilities. The Siempre Viva and Bristow storm water detention facility is shown on the USGS Otay Mesa quadrangle map. All three reaches are presumed to have intermittent sources of water from urban runoff. Review of historic aerial photographs (Attachment 3) indicates that the project area did not support historical wetlands or drainages.

**Vegetation:**

For purposes of this IBA, only vegetation or land covers within the proposed maintenance areas, including associated work areas (i.e., loading and staging areas), are described below. Because the Siempre Viva and Bristow storm water detention facility was constructed as a storm water BMP within an area that did not support historical wetlands or drainages, and the water resource agencies have agreed that the storm water detention facility is not a jurisdictional resource (see Agency Jurisdiction section, below), wetland vegetation communities that have developed within the storm water detention facility are considered artificially-created communities.

A total of eight vegetation communities or land cover types were identified during the initial biological survey and site assessment: developed, disturbed land, ornamental, disturbed wetland (artificially created), freshwater marsh (disturbed and artificially created), riparian woodland (disturbed and artificially created), and southern willow scrub (disturbed and artificially created) (Table 1; Figure 4). The wetland vegetation communities present within the Siempre Viva and Bristow storm water detention facility are considered artificially-created communities because they are areas that contain wetland species as a result of human activities in historically non-wetland areas.

See PEIR Appendix D.1 (Biological Resources Report) for general descriptions of vegetation communities/land cover types (City 2011b). A list of plant species observed during the January 17, 2017 survey is provided as Attachment 4.

Table 1 EXISTING VEGETATION COMMUNITIES (acre[s]) <sup>1</sup>						
MAP/REACH <sup>2</sup>	TYPE	ARTIFICIALLY CREATED WETLANDS <sup>3</sup>				TOTAL
		SWS	FWM	DW	RW	
Siempre Viva Map 126, Reach 3	Earthen	0.12	0.06	0.09	0.04	0.31
Bristow Map 126, Reach 1	Earthen	0.08	0.03	0.01	0.15	0.27
Bristow Map 126, Reach 2	Earthen	0.01	0	0	0	0
Bristow Map 127, Reach 2	Earthen	0.03	0	0.09	0	0.12
Wetlands Total		0.24	0.09	0.19	0.19	0.71
MAP/REACH <sup>2</sup>		UPLANDS <sup>3</sup>				TOTAL
		Tier IV				
		ORN	DL	DEV		
Siempre Viva Map 126, Reach 3		0.24	0.25	0.11		0.60
Bristow Map 126, Reach 1		0.18	0.01	0.12		0.31
Bristow Map 126, Reach 2		0	0	0.06		0.06
Bristow Map 127, Reach 2		0.20	0.02	0.26		0.48
Uplands Total		0.62	0.24	0.55		1.45
					GRAND TOTAL	2.20

<sup>1</sup> Habitats are rounded to the nearest 0.01 acre; thus, totals reflect rounding.

<sup>2</sup> Map Numbers from the City's MMP (2011); Reach from the IHHA (2017)

<sup>3</sup> Habitat acronyms: SWS=southern willow scrub (disturbed), FWM=freshwater marsh (disturbed), DW=disturbed wetland, RW=riparian woodland (disturbed), ORN=ornamental, DL=disturbed land, DEV=developed

### Siempre Viva Storm Water Detention Facility Map 126, Reach 3

Reach 3 is 0.91 acre, entirely earthen, and is composed of developed, disturbed land, disturbed wetland (artificially created), freshwater marsh (disturbed and artificially created), ornamental, riparian woodland (disturbed and artificially created), and southern willow scrub (disturbed and artificially created). The loading and staging areas are located at the southwestern end of Reach 3 and consist of 0.10 acre of developed land.

Vegetation within Map 126, Reach 3 includes willow (*Salix* spp.), sedge (*Cyperus* spp.), cattail (*Typha* sp.), and ice plant (*Carpobrotus* spp.). Vegetation communities are described below.

#### *Developed (0.11 acre)*

Developed land within the maintenance area includes a part of the sidewalk and driveway associated with 7560 Britannia Court (0.01 acre) along with the loading and staging areas (0.10 acre). The combined 0.11-acre area is paved and unvegetated.

#### *Disturbed Land (0.25 acre)*

A total of 0.24 acre of the facility banks and 0.01 acre of facility bottom on the southern portion of Reach 3 was disturbed land. This vegetation community consists of sparse, primarily non-native plants, including Russian thistle (*Salsola tragus*), and non-native grasses.

#### *Freshwater Marsh – artificial (disturbed; 0.06 acre)*

A total of 0.06 acre of the facility bottom in the southern portion of Reach 3 was freshwater marsh. Species include California bulrush (*Schoenoplectus californicus*), cattail, bristly ox-tongue (*Helminthotheca echioides*), and fennel (*Foeniculum vulgare*).

*Southern Willow Scrub – artificial (disturbed; 0.12 acre)*

Patches of this vegetation community are present along the facility banks and within the facility bottom, and are dominated by arroyo willow (*Salix lasiolepis*) and Goodding's black willow (*Salix gooddingii*). Other species include Mexican fan palm (*Washingtonia robusta*), fennel, and sandbar willow (*Salix exigua*).

*Ornamental (0.24 acre)*

Ornamental occurs along both banks of Reach 3 and covers 0.24 acre of the maintenance area. This vegetation community is made up predominantly of non-native species including iceplant, bougainvillea (*Bougainvillea* sp.), lantana (*Lantana* sp.), and non-native grasses.

*Riparian Woodland – artificial (disturbed; 0.04 acre)*

A patch of this vegetation community occurs in the northern part of Reach 3. This community is dominated by mature arroyo and Goodding's black willow. Non-native species including fennel and mustard (*Brassica nigra*) exist in the understory.

*Disturbed Wetland – artificial (0.09 acre)*

This vegetation community occurs within the facility bottom and on one bank in the southern portion of Reach 3. This community includes sedge, curly dock, and tamarisk (*Tamarix* sp.).

**Bristow Storm Water Detention Facility Map 126, Reach 1**

The facility in Map 126 Reach 1 is 0.48 acre and entirely earthen. The eastern portion of the facility is dominated by riparian woodland while the western portion of the reach is a mosaic of southern willow scrub (disturbed), disturbed wetland, freshwater marsh (disturbed), ornamental. The loading and staging area consists of a 0.10-acre section of the parking lot behind 7615 Siempre Viva Road.

Vegetation within Map 126, Reach 1 includes willow, cattail, sedge, and bristly ox-tongue. Vegetation communities are described below.

*Developed Land (0.12 acre)*

Developed land includes the concrete detention facility (0.02 acre) along with the loading and staging area associated with Reach 1 (0.10 acre). The combined 0.12-acre area is paved and unvegetated.

*Southern Willow Scrub – artificial (disturbed; 0.08 acre)*

Patches of this vegetation community are present along the facility banks and within the facility bottom, and are dominated by thickets of arroyo willow and Goodding's black willow.

*Ornamental (0.18 acre)*

Ornamental species grows along the facility banks in the western end of Reach 1. This vegetation community is made up predominantly of iceplant.

*Disturbed Land (0.01 acre)*

Unvegetated portions of the earthen-lined facility are mapped as disturbed land and consists of 0.01 acre of facility bottom. Disturbed land within Reach 1 is largely unvegetated with the exception of scattered curly dock and mustard.

*Freshwater Marsh – artificial (disturbed; 0.03 acre)*

A total of 0.03 acre of the facility bottom in Reach 1 was this vegetation community. California bulrush dominates the freshwater marsh in Reach 1; however, mustard was scattered throughout.

*Riparian Woodland – artificial (disturbed; 0.15 acre)*

The eastern section of Reach 1 consists of 0.15 acre of dense riparian woodland. This community is dominated by mature arroyo willow and Goodding's black willow. Non-native species including fennel and mustard exist in the understory.

*Disturbed Wetland – artificial (0.01 acre)*

This vegetation community occurs within the facility bottom in Reach 1. This community includes sedge, curly dock, and mustard.

**Bristow Storm Water Detention Facility Map 126, Reach 2**

The detention facility in Map 126 Reach 2 is 0.01 acre, entirely earthen, and composed of southern willow scrub (disturbed). The additional area outside of the facility but within the project area consists of the sidewalk and driveway at the end of Bristow Court (0.06 acre) and is entirely paved. The loading and staging area for Map 126 Reach 1 will also be used for Map 126 Reach 2.

Vegetation within Map 126, Reach 2 includes willow. Vegetation communities are described below.

*Developed Land (0.06 acre)*

Developed land includes the sidewalk and driveway at the end of Bristow Court. This 0.06-acre area is paved and unvegetated.

*Southern Willow Scrub – artificial (disturbed; 0.01 acre)*

Goodding's black willow and arroyo willow formed thickets within the earthen facility. Approximately 0.01 acre of this vegetation community was present within Map 126 Reach 2.

**Bristow Storm Water Detention Facility Map 127, Reach 2**

The facility in Map 127 Reach 2 is 0.60 acre and is entirely earthen; however, the project area includes a section of sidewalk and parking lot associated with 7616 Bristow Court, as well as a driveway with a pair of culverts located underneath in the middle of Reach 2. Bristow Court, including the northern sidewalk, will be used as the loading and staging area for Map 127 Reach 2.

Vegetation within Map 127, Reach 2 includes sedge, curly dock, Mexican fan palm, and willow. Vegetation communities are described below.

*Developed Land (0.26 acre)*

Developed land within Map 127, Reach 2 includes staging and loading areas off Bristow Court (0.22 acre) as well as the concrete driveway in the middle of Reach 2 and the sidewalk and parking lot associated with 7616 Bristow Court (0.04 acre). The combined 0.26-acre area is paved and unvegetated.

*Southern Willow Scrub – artificial (disturbed; 0.03 acre)*

This community, totaling 0.03 acre, is limited to a small patch on the western end of Map 127, Reach 2. This community is dominated by Goodding's black willow.

*Disturbed Wetland – artificial (0.09 acre)*

This vegetation community occurred within the facility bottom and on one bank in the southern portion of Map 127, Reach 2. This community included sedge, curly dock, and tamarisk.

*Ornamental (0.20 acre)*

Ornamental covers 0.20 acre of the facility banks in Map 127, Reach 2. This vegetation community is made up predominantly of iceplant.

*Disturbed Land (0.02 acre)*

Unvegetated portions of the earthen-lined detention facility are mapped as disturbed land and consist of 0.02 acre of facility bottom. Disturbed land within Map 127, Reach 2 is largely unvegetated.

**Wildlife Value:**

Several of the vegetation communities within the maintenance area provide habitat for wildlife, including potential nesting and foraging for songbirds and small mammals. A list of the 16 wildlife species detected during the biological surveys and site assessment is provided as Attachment 5.

**Agency Jurisdiction:**

Maintenance activities involving impacts to jurisdictional resources would require permits from the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), City, and/or Coastal Commission. Based on review of information provided for the Siempre Viva and Bristow storm water detention facility, the CDFW determined that a Notification of Lake or Streambed Alteration, pursuant to Sections 1600 et seq. of the California Fish and Game Code, would not be required (see below). A site visit with the USACE and RWQCB was conducted on October 25, 2017 to review the resources associated with the detention facility and determine if proposed maintenance would be regulated pursuant to Sections 404 and 401 of the federal Clean Water Act (CWA) or the RWQCB's Waste Discharge Requirements Program (WDR). The determination received from the USACE, RWQCB, and CDFW is provided in Attachment 6 and is summarized below, followed by a summary of the City's Environmentally Sensitive Lands (ESL) regulations. The Siempre Viva and Bristow storm water detention facility is outside the coastal zone and is therefore outside the Coastal Commission's jurisdiction.

*USACE*

A CWA Section 404 Permit (404 Permit) from the USACE would be required for projects resulting in dredge or fill activities to waters of the U.S. In an email from Winston Zack on November 15, 2017 (Attachment 6), it was stated that the USACE will not be taking jurisdiction over the Siempre Viva and Bristow storm water detention facility. This is because the only time storm water would connect downstream to an established jurisdictional feature is from larger storm events. Due to the infrequency of such storm events and lack of non-wetland waters ordinary high water mark (OHWM) features, there is little or no conveyance of flow.

*RWQCB*

A Water Quality Certification by the RWQCB under Section 401 of the CWA is required for projects that may impact Waters of the State, which include isolated wetlands, coastal wetlands, ephemeral and perennial streams, rivers, lakes, and groundwater. Activities resulting in discharge of fill or pollutants to waters of the State that are exclusive of waters of the U.S. (whereby no 404 Permit is required) would be required to submit a Report of Waste Discharge to the RWQCB, whereby the RWQCB issues Waste Discharge Requirements (WDRs). Per emails from Lisa Homna on November 16 and 27, 2017 (Attachment 6), the Siempre Viva and Bristow storm water detention facility are part of a storm water best management practice (BMP) and therefore is not subject to regulation under the RWQCB's dredge and fill program. Rather, the BMP detention facility should be routinely maintained under the City's Storm Water Program, in compliance with the requirements of the MS4 permit.

*CDFW*

A Notification of Lake or Streambed Alteration to CDFW would be required for maintenance resulting in the alteration or modification of a streambed, substantial diversion or obstruction of natural flows, or destruction of riparian habitat. Per an email from Kelly Fisher on October 24, 2017 (Attachment 6): the feature in question is not a river, stream, or lake and is not subject to the Notification requirements in Section 1602 of the Fish and Game Code.

*CITY*

The City's Biology Guidelines (City 2012) define areas that are not considered wetlands, specifically as: "Areas that contain wetland vegetation, soils, or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands unless they have been delineated as wetlands by the Army Corps of Engineers and/or the California Department of Fish and Game. Artificially created wetlands consist of the following: wetland vegetation growing in brow ditches and similar drainage structures outside of natural drainage courses... Areas of historic wetlands can be assessed using historic aerial photographs, existing environmental reports (EIRs, biology surveys, etc.), and other collateral material such as soil surveys."

HELIX's review of historic aerial photographs determined that the Siempre Viva and Bristow maintenance project area did not support historical wetlands or drainages. There is no evidence of any naturally-occurring drainages, depressions, wetlands, or riparian habitat. The Siempre Viva and Bristow storm water detention facility is an artificially-created ditch constructed wholly within a historically upland landscape to convey urban runoff from the adjacent developed areas. Further, federal and state regulatory agencies have not delineated this site as a jurisdictional wetland. As discussed in the sections above, the agencies have agreed that the detention facility is instead a man-made storm water BMP. Therefore, the vegetation growing in the detention facility is characterized as artificially-created communities composed of disturbed wetland, freshwater marsh, southern willow scrub, and riparian woodland and is not considered City wetlands.

## **MAINTENANCE IMPACTS**

### **Maintenance Methodology (based on IMP)**

An Individual Maintenance Plan (IMP; Rick 2017b) was prepared for the proposed maintenance in accordance with the MMP. The IMP identifies the limits of maintenance and describes the methods to be used within each detention facility. The maintenance methods are summarized below for each of the two maps.

Maintenance in Map 126 includes 2,320 linear feet of earthen bottom detention facility and is expected to remove up to 40,000 cubic yards of material over a 30-day period to restore the original capacity of the detention facility to convey storm water. Maintenance in Map 127 includes 600 linear feet of earthen bottom detention facility and is expected to remove up to 2,500 cubic yards of material over a 45-day period to restore the original capacity of the detention facility to convey storm water.

Equipment involved in the maintenance will include a gradall, track steer, excavator, front-end loader, vactor, dump truck, six-inch pumps (or smaller), tow behind concrete mixer, and hand tools. Dewatering pumps may be used at various locations to remove ponded water prior to equipment entering the detention facility. Diversion berms will be placed at the western limits of the detention facility maintenance area. Diversion pipes will be placed on the southern side of the detention facility and extended to a discharge area east of the project maintenance limits.

A track steer will enter the detention facility through the access and loading areas and will push vegetation and sediment to the gradall/excavator stationed within the access and loading area, outside of the detention facility. The gradall/excavator will load material into a dump truck staged at the bottom of the access ramp. The dump trucks will haul material away for legal disposal. A vactor will be used to flush the headwall outfalls discharging into the detention facility. Necessary concrete repairs will be performed at identified headwalls and other damaged areas. Handwork will be performed in areas where the detention facility width restricts the use of mechanized equipment.

Street sweepers will sweep adjacent public rights-of-way and immediate truck loading sites nightly. Upon completion of the maintenance, any sandbags placed will be removed and the equipment will be transported back to the City yard.

### **Vegetation Impacts:**

Overall, proposed maintenance would impact 2.20 acres (Table 2), including 0.55 acre of developed lands, 0.24 acre of disturbed lands, 0.62 acre of ornamental, and 0.71 acre of artificially-created communities composed of southern willow scrub–disturbed (0.24 acre), freshwater marsh–disturbed (0.09 acre), disturbed wetland (0.19 acre), riparian woodland–disturbed (0.19 acre). No impacts would occur to City wetlands because none occur in the project area (see Existing Conditions [Agency Jurisdiction] section above).



<b>Table 2</b> <b>MAINTENANCE IMPACTS<sup>1</sup></b>	
<b>TOTAL IMPACTS</b>	
<b>City Vegetation/Land Cover Impacts:</b>	<b>2.20 acres</b>
Artificially Created Wetland (Disturbed wetland, freshwater marsh, southern willow scrub, riparian woodland)	0.71 acre
Upland (ornamental, disturbed land, and developed land)	1.45 acres
<b>Jurisdictional Areas:</b>	
Wetland and Non-wetland Waters (USACE WUS, RWQCB, CDFW, and City Wetlands)	--

<sup>1</sup>Acreages are rounded to the nearest 0.01 acre

<b>Sensitive* Plant Species Observed:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Sensitive* Animal Species Observed/Detected:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>If yes, what species were observed and where? If yes, complete a California Native Species Field Survey Form and submit it to the California Natural Diversity Database.</u>	<u>If yes, what species were observed/detected and where? If yes, complete a California Native Species Field Survey Form and submit it to the California Natural Diversity Database.</u>
* Sensitive species shall include those listed by state or federal agencies as well as species that could be considered sensitive under Sections 15380(b) and (c) and 15126(c) of the CEQA Guidelines.	A white-tailed kite ( <i>Elanus leucurus</i> ) was observed foraging over the vacant lot located south of Reach 2 during the biological survey on January 17, 2017.  * Sensitive species shall include those listed by state or federal agencies as well as species that could be considered sensitive under Sections 15380(b) and (c) and 15126(c) of the CEQA Guidelines.

**Plants**

No federal or state-listed plant species, or other sensitive plant species, was detected during the biological survey. Nine sensitive plant species have been documented in CNDDB, USFWS, and San BIOS databases as occurring within 0.5 miles of the project work areas: Parry's tetradlea (*Tetradlea dioicus*; Rank 1B.2), Laguna Mountain's jewelflower (*Streptanthus bennettii*; Rank 4.3), San Diego goldenstar (*Bloomeria clevelandii*; Rank 1B.1), little mouse-ear (*Myosurus minimus* ssp. *aspidifolius*; Rank 3.1), San Diego button-celery (*Eryngium aristulatum* var. *parishii*; Rank 1B.1), San Diego barrel cactus (*Ferocactus viridescens*; Rank 2B.1), California Orcutt grass (*Orcuttia californica*; Rank 1B.1), spreading navarretia (*Navarretia fossalis*; Rank 1B.1), and Otay Mesa mint (*Pogogyne nudiuscula*; Rank 1B.1; Figure 5). Rank 1B.1 indicates species that are rare or endangered in California and elsewhere, and seriously threatened in California. Rank 1B.2 indicates species that are rare or endangered in California and elsewhere, and moderately threatened in California. Rank 2B.1 indicates species that are rare or endangered in California, but more common elsewhere, and seriously threatened in California. Rank 3.1 indicates species about which more information is needed, and are seriously threatened in California. Rank 4.3 indicates species that are of a limited distribution, and not very threatened in California. None of these species was observed during the survey, and their potential to occur within the maintenance area is low.

### Animals

One sensitive animal species; white-tailed kite, was observed during the biological survey foraging over the vacant lot located south of Reach 2. White-tailed kites are a fully protected species under the CDFW. There is not any suitable nesting habitat on or directly adjacent to the site for this species; therefore, it is not expected to nest on the site. Additionally, four special-status animal species have been reported within 0.5 mile of the project work areas and are documented in CNDDB, USFWS, and SanBIOS databases: Thorne's hairstreak (*Callophrys thornei*; MSCP Narrow Endemic), San Diego fairy shrimp (*Branchinecta sandiegonensis*; federally listed endangered), Quino checkerspot butterfly (*Euphydryas editha quino*; federally listed endangered), and burrowing owl (*Athene cunicularia*; state species of special concern, federally listed birds of conservation concern; Figure 5). None of these species were observed during the survey.

**Is any portion of the maintenance activity within an MHPA?** Yes ☐ No ☒

**Is there moderate or high potential for listed animal species to occur in or adjacent to the impact area?**

Yes ☐ No ☒

If yes, which species (check all that apply) and describe any surveys which should be undertaken to determine whether those species could occur within the maintenance area:

- |   |  |
|---|--|
| <input type="checkbox"/> Least Bell's vireo             | <input type="checkbox"/> Riverside fairy shrimp    |
| <input type="checkbox"/> Southwestern willow flycatcher | <input type="checkbox"/> California least tern     |
| <input type="checkbox"/> Arroyo toad                    | <input type="checkbox"/> Light-footed clapper rail |
| <input type="checkbox"/> Coastal California gnatcatcher | <input type="checkbox"/> Western snowy plover      |
| <input type="checkbox"/> San Diego fairy shrimp         | <input type="checkbox"/> Other: _____              |

**Attach documentation supporting the determination of the presence or absence of listed animal species with a moderate or high potential to occur (e.g., California Natural Diversity Database records searches).**

No sensitive species have been reported within the work areas during previous surveys. Therefore, the potential for state and federally listed, and other sensitive species to occur within the work area is considered very low. As mentioned, four animal species have been recorded within one-half mile but do not overlap with the project sites: Thorne's hairstreak (MSCP Narrow Endemic), San Diego fairy shrimp (federally listed endangered), Quino checkerspot butterfly (federally listed endangered), and burrowing owl (state species of special concern, federally listed birds of conservation concern). Thorne's hairstreak is only known to occur in areas where its larval host plant, Tecate cypress (*Cupressus forbesii*), is located, and this species has not been observed in the work area. San Diego fairy shrimp occur in seasonally astatic pools, none of which were observed in the work area. Quino checkerspot butterfly may occur in vegetation communities with areas of low-growing and sparse vegetation and is unlikely to occur in the maintenance area due to the dense, riparian nature of the habitat.

Burrowing owls are associated with grassland or open scrub habitats, and, more specifically, their preferred habitat is "generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soil" (CDFG 2012). The storm water detention facilities were surveyed during the biological survey on January 17, 2017, as well as during a follow-up burrowing owl habitat assessment conducted on March 8, 2018. The riparian habitat within the proposed maintenance area generally consists of tall vegetation and steep slopes leading to a flat bottom. No suitable squirrel burrows were observed within the proposed maintenance area and no burrowing owls, or sign of burrowing owl, were evident within the facilities. The facilities were determined to not be suitable for this species due to the fact that the area is not considered open enough to provide foraging habitat, the vegetation was generally dense and tall, and no suitable burrows were observed. However, the vacant, disturbed lots south and southwest of Reach 2 at the intersection of Bristow Court and Britannia Boulevard, and the vacant, disturbed lot southeast of Britannia Court and south of Reach 3, have the potential to be suitable habitat for burrowing owl. In conformance with recommendations outlined in the "Staff Report on Burrowing Owl Mitigation" published by the California Department of Fish and Wildlife [Game], a burrowing owl habitat assessment was conducted for all areas within 150 meters of the work area (CDFG 2012). These lots were visually surveyed during the biological survey on January 17, 2017, and again during the burrowing owl habitat assessment on March 8, 2018 and determined to have low potential for burrowing owl. The vacant lots within 150 meters

of the proposed maintenance area had been previously graded and were hard-packed; and the lots immediately east of the maintenance area are under active construction. No burrowing owl or sign of burrowing owl was detected within the adjacent vacant, disturbed lots. No potential burrows and no ground squirrels were detected within the vacant lot south of Bristow Court; however, one ground squirrel was observed using a couple burrows in the vacant lot southeast of Britannia Court. There is low potential for this species to occur within 150 meters of the proposed maintenance areas due to the fact that the storm water detention facility does not support suitable habitat for this species and no owls or sign of owls were observed during either of the surveys. However, adjacent habitat consisting of the vacant, previously graded and disturbed lots contains marginally suitable habitat.

With respect to the parameter used to determine the need for a detailed Individual Noise Assessment (INA), no sensitive species are expected to occur within 750 feet of the proposed maintenance, and while there is low potential for burrowing owl due to the adjacent marginally suitable habitat, the potential is neither moderate or high for this sensitive species to occur. Thus, a detailed INA is not required.

**Is there moderate or high potential for a listed plant species to occur in or adjacent to the impact area?** Yes ☐  
No ☒

If yes, identify which species may occur and describe any surveys which should be undertaken to determine whether those species could occur within the maintenance area:

No federal or state-listed plant species, or other sensitive plant species, were detected during the biological survey and no sensitive plant species are documented in CNDDDB, USFWS, and SanBIOS databases as overlapping with the maintenance area (Figure 5). Most of the nine sensitive plant species mapped within 0.5 mile of the project work areas are perennial species that would have been observed if present: Parry's Tetracoccus, Laguna Mountain's jewelflower, San Diego goldenstar, San Diego button-celery, and San Diego barrel cactus. The remaining species: little mouseltail, California Orcutt grass, spreading navarretia, and Otay mesa mint, are annuals associated with vernal pools that are not present within the maintenance area. Thus, no federal or state-listed plant species, or other sensitive species, have a moderate or high potential to occur within the maintenance area.

**Attach documentation supporting the determination of the presence or absence of listed plant species with a moderate or high potential to occur (e.g., California Natural Diversity Database records searches).**

See Figure 5.

**Could maintenance disrupt the integrity of an important habitat (i.e., disruption of a wildlife corridor and/or an extensive riparian woodland:** Yes ☐ No ☒

If yes, discuss which habitat could be impacted and how:

**Could work be conducted during the avian breeding season (January 15 – August 31) without the need for pre-construction nesting surveys:** Yes ☐ No ☒

Nesting birds have potential to occur within or adjacent to the area of the proposed detention facility maintenance. Thus, pre-construction nesting surveys by a qualified biologist are necessary to help ensure no impacts to avian species occur and that the project would comply with the Migratory Bird Treaty Act (MBTA) and MMP's PEIR MMRP. The potential exists for birds protected by the MBTA to nest in trees in and adjacent to the maintenance area. The MBTA prohibits deliberate take of birds, eggs, and active nests without a permit from the USFWS. Permits are issued for specific categories of deliberate take (e.g., scientific collection, removal of depredating birds); however, not for incidental take (take that is the unintended result of an otherwise lawful action). As no incidental take permits can be issued under MBTA, no conditions to avoid incidental take can be placed on discretionary permits pursuant to MBTA (such conditions would constitute a de facto incidental take permit). In practice, reasonable diligence to avoid take of birds and/or active nests, such as pre-construction nesting bird surveys, is considered sufficient to demonstrate compliance with the MBTA. Pre-maintenance bird surveys would be conducted by a qualified biologist.

If yes, provide justification:

Is it anticipated that maintenance activities would generate noise in excess of 60 dB(A)<sub>LEQ</sub>? Yes ☒ No ☐

Equipment used during maintenance may generate noise in excess of 60 dB(A)<sub>LEQ</sub>.

If yes, what measures should be taken to avoid adverse impacts on avian bird breeding within or adjacent to the maintenance?

Although maintenance operations have potential to generate noise in excess of 60 dB(A)<sub>LEQ</sub>, as described above, no sensitive wildlife is expected to occur in the vicinity of the work. Thus, maintenance activities would not cause a significant noise impact to sensitive breeding birds.

**Biological Resource Conditions Relative to Original Survey Conducted for MASTER PROGRAM Final Program EIR (May 2010) (vegetation communities present, including adjacent uplands; general habitat quality/level of disturbance):**

The majority of habitat mapping and programmatic jurisdictional delineation work (largely based on aerial and topographic interpretation combined with upstream/downstream observations) for the PEIR was conducted by HELIX in late winter and early spring of 2007 and 2008. Based on current aerial photographs and the field survey on January 17, 2017, the following observations are different from the original survey:

- Reach 1: In 2007-2008, the facility bottom was mapped primarily as freshwater marsh and southern willow scrub; the banks of the facility were mapped as non-native grassland and disturbed land. In 2017, the areas of freshwater marsh are considerably reduced and replaced by disturbed riparian woodland and disturbed land. The banks of the facility were primarily mapped as ornamental. The loading and staging area (the paved parking lot north of Reach 1) remain developed. The original survey for the PEIR concluded that this facility contained areas under the jurisdiction of USACE, RWQCB, and CDFW, but a formal jurisdictional delineation of this area was not conducted at that time. As described in the Existing Conditions (Agency Jurisdiction) section above, based on the site-specific analysis detailed in this IBA, this area is not jurisdictional.
- Reach 2: In 2007-2008, the facility bottom was mapped as disturbed wetland and freshwater marsh. The banks on the eastern portion of the facility were mapped as non-native grassland, and the banks on the western portion were mapped as non-native vegetation with a patch of southern willow scrub. In 2017, the facility bottom was primarily mapped as disturbed land, with patches of disturbed wetland and southern willow scrub. The banks on the eastern portion of the facility were mapped as ornamental and the banks on the western portion were mapped as disturbed wetland and ornamental, with a patch of southern willow scrub on the western end. The original survey for the PEIR concluded that this facility contained areas under the jurisdiction of USACE, RWQCB, and CDFW, but a formal jurisdictional delineation of this area was not conducted at that time. As described in the Existing Conditions (Agency Jurisdiction) section above, based on the site-specific analysis detailed in this IBA, this area is not jurisdictional.
- Reach 3: In 2007-2008, the facility bottom was mapped as disturbed wetland, southern willow scrub, and freshwater marsh; the banks of the facility were mapped as disturbed land. In 2017, the facility bottom was mapped similarly to 2007-2008, except that the extent of the wetland habitats was reduced. The banks of the facility were mapped as ornamental and disturbed land. The original survey for the PEIR concluded that this facility contained areas under the jurisdiction of USACE, RWQCB, and CDFW, but a formal jurisdictional delineation of this area was not conducted at that time. As described in the Existing Conditions (Agency Jurisdiction) section above, based on the site specific analysis detailed in this IBA this area is not jurisdictional.

Between 2007-2008 and 2017, much of the vegetation communities within the facility bottom decreased in size (such as the reduction in freshwater marsh in Reaches 1 and 3). The facilities are subject to the same levels of trash, noise, and urban runoff as in 2007-2008.

Adjacent upland habitats have predominantly changed from non-native grassland and disturbed land to ornamental. In the southern portion of Reach 3, the upland habitat from 2007-2008 remained in 2017.

Overall proposed maintenance impacts total 2.16 acres, composed of 0.75 acre of impacts to artificially created communities and 1.41 acres of impacts to uplands (Table 2). No jurisdictional impacts are proposed.

**Is there a moderate or high potential for maintenance to impact an MHPA?**

Yes ☐ No ☒

If yes, discuss the potential impacts that could occur from the portion within or adjacent to that MHPA:

The MHPA is approximately 970 meters (3,180 feet) west and 825 meters (2,700 feet) east of the maintenance area (Figure 5). Access to the maintenance area is expected to occur via Britannia Court and the parking lots associated with 7615 Siempre Viva Road and 7560 Britannia Court. Thus, no direct impacts are expected to occur. Similarly, as the maintenance would not be adjacent to an MHPA, there would be no indirect impacts to an MHPA. Appropriate Best Management Practices would be implemented during maintenance to prevent impacts to the MHPA located downstream of Map 126. Thus, no significant impacts would occur to the MHPAs from the proposed maintenance.

**Is there moderate or high potential for listed animal species to be impacted?**

Yes ☐ No ☒

If yes, which species (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Least Bell's vireo             | <input type="checkbox"/> Riverside fairy shrimp    |
| <input type="checkbox"/> Southwestern willow flycatcher | <input type="checkbox"/> California least tern     |
| <input type="checkbox"/> Arroyo toad                    | <input type="checkbox"/> Light-footed clapper rail |
| <input type="checkbox"/> Coastal California gnatcatcher | <input type="checkbox"/> Western snowy plover      |
| <input type="checkbox"/> San Diego fairy shrimp         | <input type="checkbox"/> Other: _____              |

**MITIGATION**

**Applicable Maintenance Protocols from the MMP (list the applicable maintenance protocols based on the biological resources occurring or likely to occur on site - include any special protocols required):**

The following protocols specified in the MMP will be carried out by individuals with qualifications approved by the City.

Water Quality (WQ)

WQ-10 Inspect earthen-bottom storm water facilities within 30 days of the first two-year storm following maintenance. Implement erosion control measures recommended by the field engineer, such as fiber blankets, to remediate substantial erosion that has occurred and to minimize future erosion.

Biological Resource Protection (BIO)

BIO-1 Restrict vehicles to access designated in the Master Program.

BIO-3 Conduct a pre-maintenance meeting on-site prior to the start of any maintenance activity that occurs within or adjacent to sensitive biological resources. The pre-maintenance meeting shall include the qualified biologist, field engineer/planner, equipment operators/superintendent, and any other key personnel conducting or involved with the storm water detention facility maintenance activities. The qualified biologist shall point out or identify sensitive biological resources to be avoided during maintenance, flag/delineate sensitive resources to be avoided, review specific measures to be implemented to minimize direct/indirect impacts, and direct crews or other personnel to protect sensitive biological resources as necessary. The biologist shall also review the proposed erosion control methods to confirm that they would not pose a risk to wildlife (e.g., non-biodegradable blankets, which may entangle wildlife).

- BIO-4 Avoid introduction of invasive plant species with physical erosion control measures (e.g., fiber mulch, rice straw, etc.).
- BIO-5 Conduct appropriate pre-maintenance protocol surveys if maintenance is proposed during the breeding season of a sensitive animal species. If sensitive animal species covered by the PEIR are identified, then applicable measures from the MMRP shall be implemented under the direction of a qualified biologist to avoid significant direct and/or indirect impacts to identified sensitive animal species. If sensitive animal species are identified during pre-maintenance surveys that are not covered by the PEIR, the Storm Water Department shall contact the appropriate wildlife agencies and additional environmental review under CEQA will be required (Pre-maintenance surveys are not required within one year of a negative protocol survey).
- BIO-7 Avoid 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.

#### Specific Breeding Bird Mitigation Measures

- In accordance with BIO-5, if maintenance is planned during the avian breeding season (January 15 through August 31), pre-construction nesting surveys shall be conducted within three days of initiating maintenance activities and maintenance setbacks established around active nests in accordance with PEIR Mitigation Measures 4.3.13 and 4.3.16. Reduced setbacks shall be allowed if the biological monitor determines that the setbacks can be reduced based on the field observations, ambient conditions, life history of the affected birds, and type of maintenance proposed. In the event the biological monitor determines that a reduced setback is appropriate, the biologist shall prepare a letter summarizing the basis for the reduced setbacks, and send it to the appropriate agencies for concurrence prior to invoking reduced setbacks.

#### **Applicable PEIR mitigation measures:**

General Mitigation 1, 2, 3, and 4;

Biological Resources 4.3.1, 4.3.8, 4.3.16, 4.3.21, 4.3.22, 4.3.25

Land Use 4.1.6, 4.1.7

Applicable PEIR mitigation measures have been included in their entirety in Attachment 1.

**Other mitigation measures:** Regulatory permits, agreements, and/or authorizations may require additional conditions to avoid, minimize, and/or mitigate impacts to biological resources.

- The designated biological monitor shall be present throughout the first full day of maintenance, whenever mandated by the associated IBA.
- Additional minimization measures include a pre-maintenance survey to verify that no occupied burrowing owl habitat occurs within the vacant, disturbs lots adjacent to the maintenance area. The survey shall be conducted in accordance with CDFG 2012 and PEIR biological resources mitigation measures 4.3.21 and 4.3.22. If survey results conclude that burrowing owls are present, PEIR biological resources mitigation measure 4.3.16 shall be implemented, requiring maintenance activities to not occur within 300 feet of any occupied burrow or burrowing owl.

#### **Environmental Mitigation Requirements (including wetland enhancement, restoration, creation, and/or purchase of wetland credits in a mitigation bank; off-site upland habitat acquisition/payment into the City's habitat acquisition fund):**

##### **Wetlands**

Mitigation is generally required for impacts to wetlands associated with similar maintenance activities. The mitigation ratios for maintenance activities must be consistent with those identified in the Settlement Agreement related to the

Final PEIR for the MMP. Mitigation for jurisdictional impacts is also dependent upon the composition of the storm water detention facility.

Because the artificially-created wetland habitats composed of disturbed wetland, freshwater marsh, southern willow scrub, and riparian woodland within the Siempre Viva and Bristow storm water detention facility are not considered City wetlands and are not considered jurisdictional to the USACE/RWQCB and CDFW, no mitigation is required for proposed impacts.

### **Uplands**

The City regulates impacts to uplands and requires compensatory mitigation for impacts to sensitive upland communities pursuant to the mitigation ratios specified in the San Diego Municipal Code Land Development Code's Biology Guidelines (City 2012). All upland habitat within the project area consists of developed habitat, disturbed land, and ornamental plantings, which do not require mitigation.

### **Mitigation Description/Location:**

No impacts to sensitive habitat (jurisdictional wetlands or sensitive uplands) will result from proposed maintenance for the Siempre Viva and Bristow storm water detention facility; therefore, no mitigation is required as stated above in Environmental Mitigation Requirements section above.

### **ADDITIONAL COMMENTS OR RECOMMENDATIONS**

The proposed maintenance of the constructed storm water BMP, the Siempre Viva & Bristow detention facility, will be in accordance with the City's BMP Design Manual and in compliance with the requirements of the MS4 permit.

### **Individual Biological Assessment Report Figures:**

Figure 1: Regional Location Map

Figure 2: Project Vicinity Map (USGS Topography)

Figure 3: Project Vicinity Map (Aerial Photograph)

Figure 4: Vegetation and Sensitive Biological Resources

Figure 5: Sensitive Species Occurrences within One-half Mile of Project Location

### **Individual Biological Assessment Report Attachments:**

Attachment 1: Applicable PEIR Mitigation Measures

Attachment 2: Britannia Commerce Center As-Built Plan

Attachment 3: Historic Aerials of the Siempre Viva and Bristow Storm Water Detention Facility

Attachment 4: Plant Species Observed in the Siempre Viva and Bristow Storm Water Detention Facility

Attachment 5: Wildlife Species Observed in the Siempre Viva and Bristow Storm Water Detention Facility

Attachment 6: Agency Jurisdiction Determinations (emails from USACE, RWQCB, and CDFW)

## REFERENCES

- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken, editors. 2012. The Jepson Manual: Vascular Plants of California, second edition. University of California Press, Berkeley.
- California Department of Fish and Game [Wildlife]. 2012. Staff Report on Burrowing Owl Mitigation. March 7.
- City of San Diego (City). 2012. Land Development Code Biology Guidelines (as amended by Resolution No. R-307376). April 23.
- 2011a Master Storm Water Maintenance Program. San Diego, California. October.
- 2011b Final Recirculated Master Storm Water System Maintenance Program PEIR. San Diego, California. October 4.
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. 100 pp. with Appendices.
- Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, California Department of Fish & Game.
- Regional Water Quality Control Board. 1994. Water Quality Control Plan for the San Diego Basin (9). September 8.
- Rick Engineering (Rick). 2017a. Individual Hydrologic & Hydraulic Assessment (IHHA) Report for Siempre Viva and Bristow. May 11.
- 2017b. Individual Maintenance Plans (IMP) for Siempre Viva and Bristow MMP#126 & 127. May 16.



## SITE PHOTOS



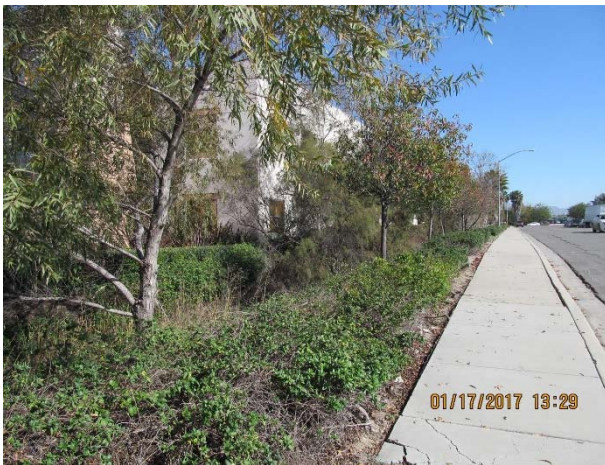
**PHOTO NOTES:**

Reach 1, looking downstream from the upstream end (1/17/17).



**PHOTO NOTES:**

Reach 1, looking upstream from the downstream end (1/17/17).



**PHOTO NOTES:**

Reach 2, looking downstream from the upstream end (1/17/17).



**PHOTO NOTES:**

Reach 3, looking upstream from the western end (1/17/17).



**PHOTO NOTES:**

Reach 3, looking upstream from the middle (1/17/17).



**PHOTO NOTES:**

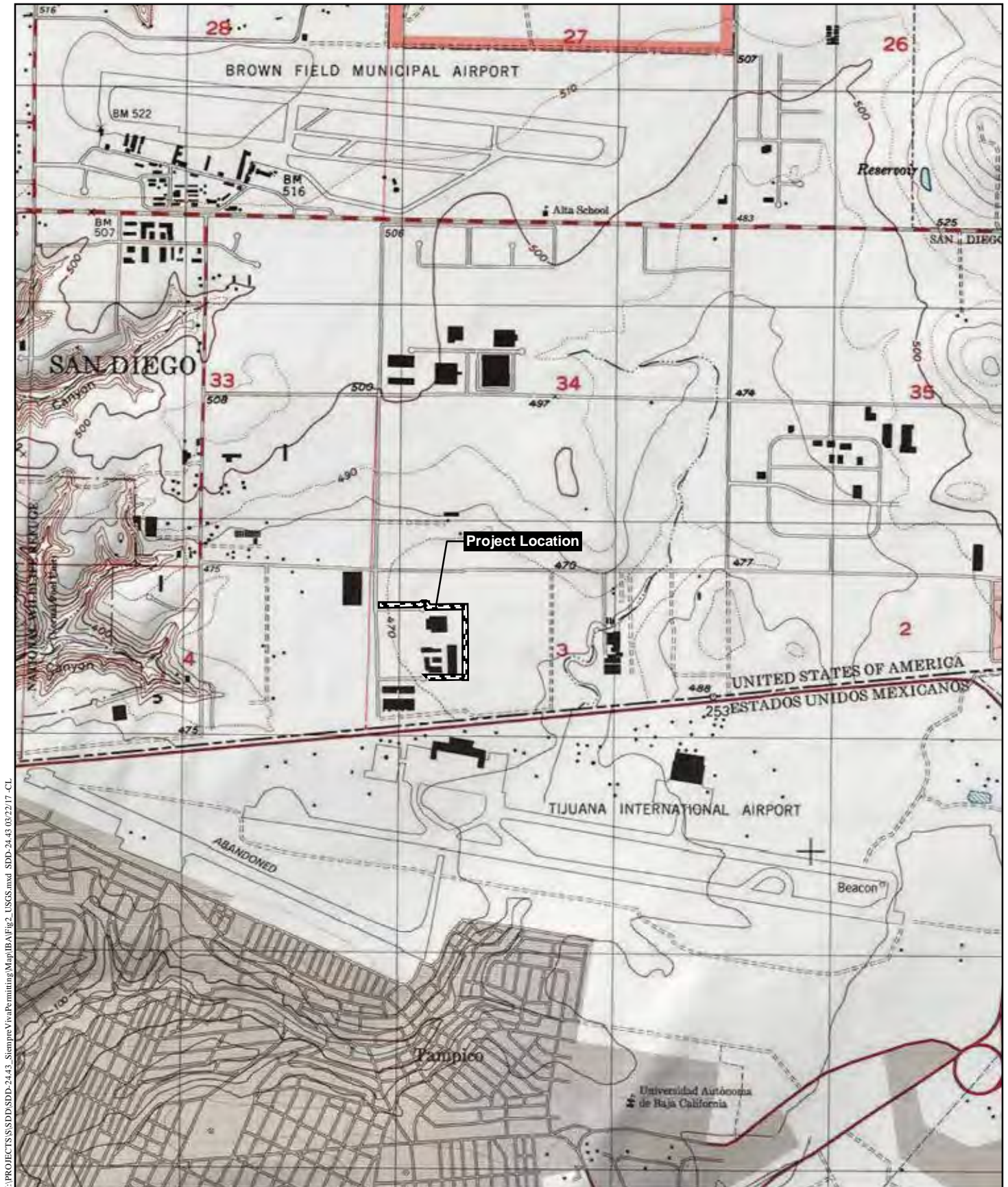
Reach 3, looking downstream at the linear detention basin on the northern end (1/17/17).





## Regional Location

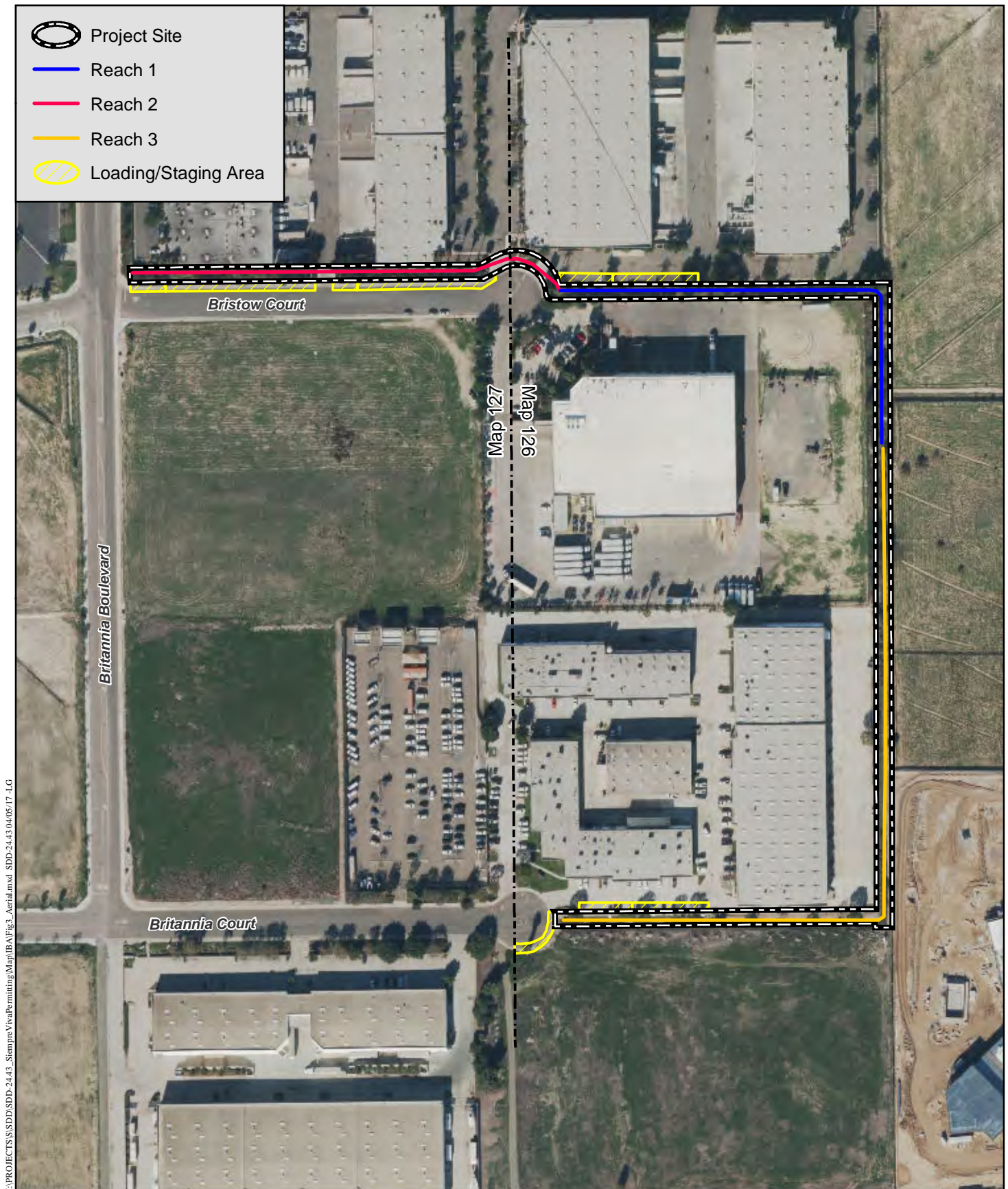
SIEMPRE VIVA AND BRISTOW STORM WATER DETENTION FACILITY



## Project Vicinity (USGS Topography)

SIEMPRE VIVA AND BRISTOW STORM WATER DETENTION FACILITY

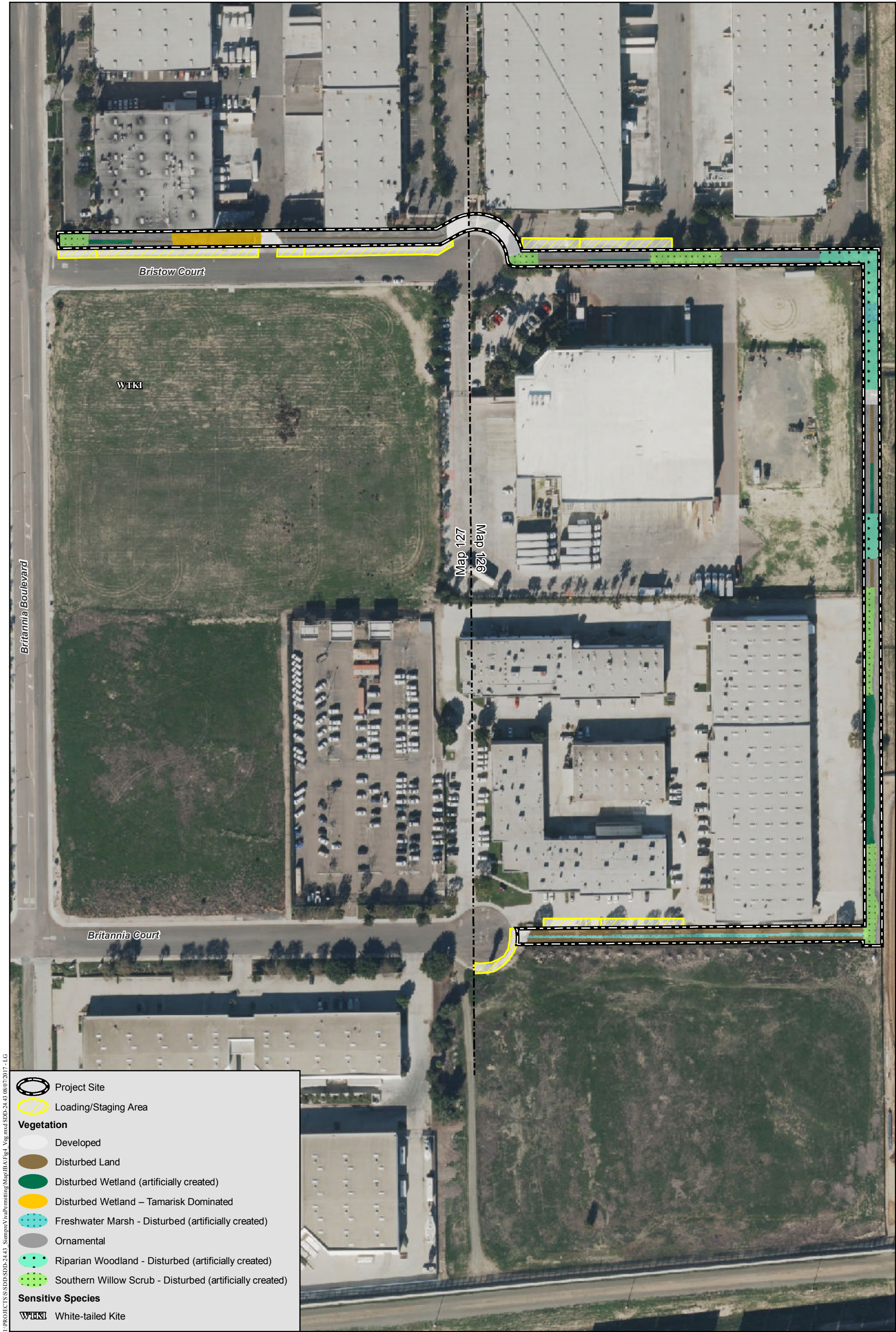




## Project Vicinity (Aerial Photograph)

SIEMPRE VIVA AND BRISTOW STORM WATER DETENTION FACILITY

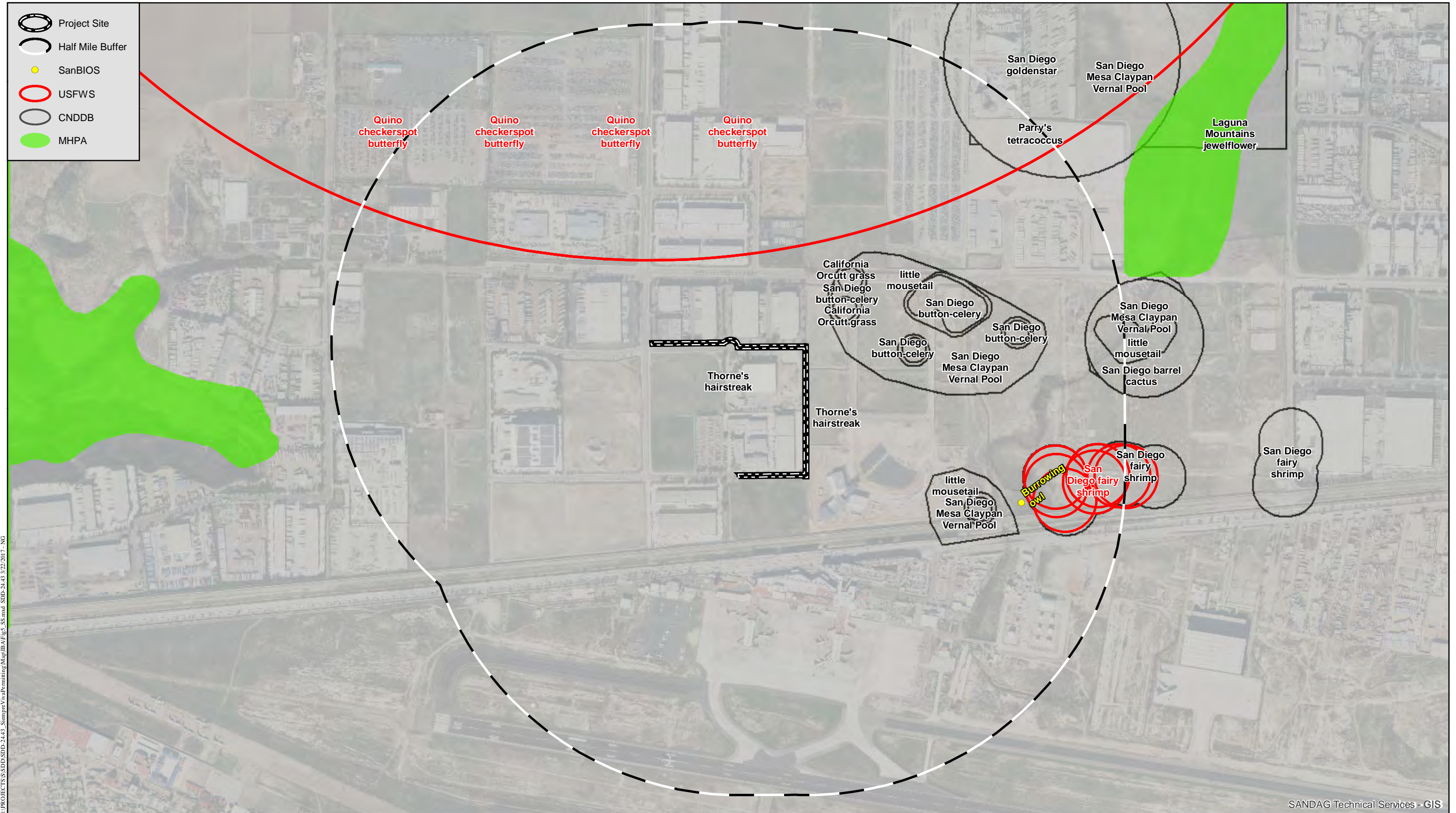




## Vegetation and Sensitive Biological Resources

SIEMPRE VIVA AND BRISTOW STORM WATER DETENTION FACILITY





**Sensitive Species Occurrences within One-half Mile of the Project Location**

SIEMPRE VIVA AND BRISTOW STORM WATER DETENTION FACILITY



## **Attachment 1**

### **APPLICABLE PEIR MITIGATION MEASURES**

#### **GENERAL**

**General Mitigation 1:** Prior to commencement of work, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that mitigation measures for impacts to biological resources (Mitigation Measures 4.3.1 through 4.3.20), historical resources (Mitigation Measures 4.4.1 and 4.4.2), land use policy (Mitigation Measures 4.1.1 through 4.1.13), paleontological resources (Mitigation Measure 4.7.1), and water quality (Mitigation Measures 4.8.1 through 4.8.3) have been included in entirety on the submitted maintenance documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Pre-maintenance Meeting shall be noted on all maintenance documents.

**General Mitigation 2:** Prior to the commencement of work, a Pre-maintenance Meeting shall be conducted and include, as appropriate, the Mitigation Monitoring Coordinator (MMC), Storm Water Division (SWD) Project Manager, Biological Monitor, Historical Monitor, Paleontological Monitor, Water Quality Specialist, and Maintenance Contractor, and other parties of interest.

**General Mitigation 3:** Prior to the commencement of work, evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either 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.

**General Mitigation 4:** Prior to commencement of work and pursuant to Section 1600 et seq. of the State of California Fish & Game Code, evidence of compliance with Section 1605 is required, if applicable. Evidence shall include either 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.

#### **BIOLOGICAL RESOURCES**

**Mitigation Measure 4.3.1:** Prior to commencement of any activity within a specific annual maintenance program, a qualified biologist shall prepare an Individual Biological Assessment (IBA) for each area proposed to be maintained. The IBA shall be prepared in accordance with the specifications included in the Master Program.

**Mitigation Measure 4.3.2:** No maintenance activities within a proposed annual maintenance program shall be initiated before the City's ADD Environmental Designee and state and federal agencies with jurisdiction over maintenance activities have approved the Individual Maintenance Plans (IMPs) and IBAs including proposed mitigation for each of the proposed activities. In their review, the ADD Environmental Designee and agencies shall confirm that the appropriate maintenance protocols have been incorporated into each IMP.

**Mitigation Measure 4.3.3:** No maintenance activities within a proposed annual maintenance



program shall be initiated until the City's ADD Environmental Designee and MMC have approved the qualifications for biologist(s) who shall be responsible for monitoring maintenance activities which may impact sensitive biological resources.

***Mitigation Measure 4.3.4:*** Prior to undertaking any maintenance activity included in an annual maintenance program, a mitigation account shall be established to provide sufficient funds to implement all biological mitigation associated with the proposed maintenance activities. The fund amount shall be determined by the ADD Environmental Designee. The account shall be managed by the City's SWD, with quarterly status reports submitted to Development Services Department (DSD). The status reports shall separately identify upland and wetland account activity. Based upon the impacts identified in the IBAs, money shall be deposited into the account, as part of the project submittal, to ensure available funds for mitigation.

***Mitigation Measure 4.3.5:*** Prior to commencing any activity that could impact wetlands, evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include 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.

***Mitigation Measure 4.3.6:*** Prior to commencing any activity where the IBA indicates significant impacts to biological resources may occur, a pre-maintenance meeting shall be held on site with the following in attendance: City's SWD Maintenance Manager (MM), MMC, and Maintenance Contractor (MC). The biologist selected to monitor the activities shall be present. At this meeting, the monitoring biologist shall identify and discuss the maintenance protocols that apply to the maintenance activities.

At the pre-maintenance meeting, the monitoring biologist shall submit to the MMC and MC a copy of the maintenance plan (reduced to 11"x17") that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices. The monitoring biologist also shall submit a maintenance schedule to the MMC and MC indicating when and where monitoring is to begin and shall notify the MMC of the start date for monitoring.

***Mitigation Measure 4.3.7:*** Within three months following the completion of mitigation monitoring, two copies of a written draft report summarizing the monitoring shall be prepared by the monitoring biologist and submitted to the MMC for approval. The draft monitoring report shall describe the results including any remedial measures that were required. Within 90 days of receiving comments from the MMC on the draft monitoring report, the biologist shall submit one copy of the final monitoring report to the MMC.

***Mitigation Measure 4.3.8:*** Within six months of the end of an annual storm water facility maintenance program, the monitoring biologist shall complete an annual report which shall be distributed to the following agencies: the City of San Diego DSD, California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and United States Army Corps of Engineers (USACE). At a minimum, the report shall contain the following information:

- Tabular summary of the biological resources impacted during maintenance and the mitigation;
- Master table containing the following information for each individual storm water facility or segment which is regularly maintained;
- Date and type of most recent maintenance;
- Description of mitigation which has occurred; and
- Description of the status of mitigation which has been implemented for past maintenance activities.

**Mitigation Measure 4.3.9:** Wetland impacts resulting from maintenance shall be mitigated in one of the following two ways: (1) habitat creation, restoration, and/or enhancement, or (2) mitigation credits. The amount of mitigation shall be in accordance with ratios in Table 4.3-10 unless different mitigation ratios are required by state or federal agencies with jurisdiction over the impacted wetlands. In this event, the mitigation ratios required by these agencies will supersede, and not be in addition to, the ratios defined in Table 4.3-10. No maintenance shall commence until the ADD Environmental Designee has determined that mitigation proposed for a specific maintenance activity meets one of these two options.

<b>Table 4.3-10</b> <b>WETLAND MITIGATION RATIOS</b>	
<b>WETLAND TYPE</b>	<b>MITIGATION RATIO</b>
Southern riparian forest	3:1
Southern sycamore riparian woodland	3:1
Riparian woodland	3:1
Coastal saltmarsh	4:1
Coastal brackish marsh	4:1
Southern willow scrub	2:1
Mule fat scrub	2:1
Riparian scrub <sup>1</sup>	2:1
Freshwater marsh <sup>2</sup>	2:1
Cismontane alkali marsh	4:1
Disturbed wetland	2:1
Streambed/natural flood channel	2:1

<sup>1</sup> Mitigation ratio within the Coastal Zone will be 3:1

<sup>2</sup> Mitigation ratio within the Coastal Zone will be 4:1

Mitigation locations for wetland impacts shall be selected using the following order of preference, based on the best mitigation value to be achieved.

1. Within impacted watershed, within City limits.
2. Within impacted watershed, outside City limits on City-owned or other publicly-owned land.
3. Outside impacted watershed, within City limits.
4. Outside impacted watershed, outside City limits on City-owned or other publically-owned land.

In order to mitigate for impacts in an area outside the limits of the watershed within which the impacts occur, the SWD must demonstrate to the satisfaction of the ADD Environmental Designee in consultation with the Resource Agencies that no suitable location exists within the impacted watershed.

***Mitigation Measure 4.3.10:*** Whenever maintenance will impact wetland vegetation, a wetland mitigation plan shall be prepared in accordance with the Conceptual Wetland Restoration Plan contained in Appendix H of the Biological Technical Report, included as Appendix D.3 of the PEIR. Mitigation which involves habitat enhancement, restoration or creation shall include a wetland mitigation plan containing the following information:

- Conceptual planting plan including planting zones, grading, and irrigation;
- Seed mix/planting palette;
- Planting specifications;
- Monitoring program including success criteria; and
- Long-term maintenance and preservation plan.

Mitigation which involves habitat acquisition and preservation shall include the following:

- Location of proposed acquisition;
- Description of the biological resources to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
- Documentation that the mitigation area would be adequately preserved and maintained in perpetuity.

Mitigation which involves the use of mitigation credits shall include the following:

- Location of the mitigation bank;
- Description of the credits to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and

- Documentation that the credits are associated with a mitigation bank which has been approved by the appropriate Resource Agencies.

**Mitigation Measure 4.3.13:** Prior to commencing any maintenance activity which may impact sensitive biological resources, the monitoring biologist shall verify that the following actions have been taken, as appropriate:

- Fencing, flagging, signage, or other means to protect sensitive resources to remain after maintenance have been implemented;
- Noise attenuation measures needed to protect sensitive wildlife are in place and effective; and/or
- Nesting raptors have been identified and necessary maintenance setbacks have been established if maintenance is to occur between January 15 and August 31.

The designated biological monitor shall be present throughout the first full day of maintenance, whenever mandated by the associated IBA. Thereafter, through the duration of the maintenance activity, the monitoring biologist shall visit the site weekly to confirm that measures required to protect sensitive resources (e.g., flagging, fencing, noise barriers) continue to be effective. The monitoring biologist shall document monitoring events via a Consultant Site Visit Record. This record shall be sent to the MM each month. The MM will forward copies to MMC.

**Mitigation Measure 4.3.14:** Whenever off-site mitigation would result in a physical disturbance to the proposed mitigation area, the City will conduct an environmental review of the proposed mitigation plan in accordance with the California Environmental Quality Act (CEQA). If the off-site mitigation would have a significant impact on biological resources associated with the mitigation site, mitigation measures will be identified and implemented in accordance with the Mitigation, Monitoring and Reporting Program (MMRP) resulting from that CEQA analysis.

**Mitigation Measure 4.3.16:** Maintenance activities shall not occur within the following areas:

- 300 feet from any nesting site of Cooper's hawk (*Accipiter cooperii*);
- 1,500 feet from known locations of the southern pond turtle (*Clemmys marmorata pallida*);
- 900 feet from any nesting sites of northern harriers (*Circus cyaneus*);
- 4,000 feet from any nesting sites of golden eagles (*Aquila chrysaetos*); or
- 300 feet from any occupied burrow or burrowing owls (*Athene cunicularia*).

**Mitigation Measure 4.3.21:** If maintenance occurs during the raptor breeding season (January 15 to August 31), a pre-maintenance survey for active raptor nests shall be conducted in areas

supporting suitable habitat. If active raptor nests are found, maintenance shall not occur 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.

***Mitigation Measure 4.3.22:*** If removal of any eucalyptus trees or other trees used by raptors for nesting within a maintenance area is proposed during the raptor breeding season (January 15 through August 31), a qualified biologist shall ensure that no raptors are nesting in such trees. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 300 feet of any nesting site of Cooper's hawk or other nesting raptor until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season. In addition, if removal of grassland or other habitat appropriate for nesting by northern harriers, a qualified biologist shall ensure that no harriers are nesting in such areas. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 900 feet of any nesting site of northern harrier until the young fledge.

***Mitigation Measure 4.3.25:*** In order to avoid impacts to nesting avian species, including those species not covered by the Multiple Species Conservation Program (MSCP), maintenance within or adjacent to avian nesting habitat shall 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.

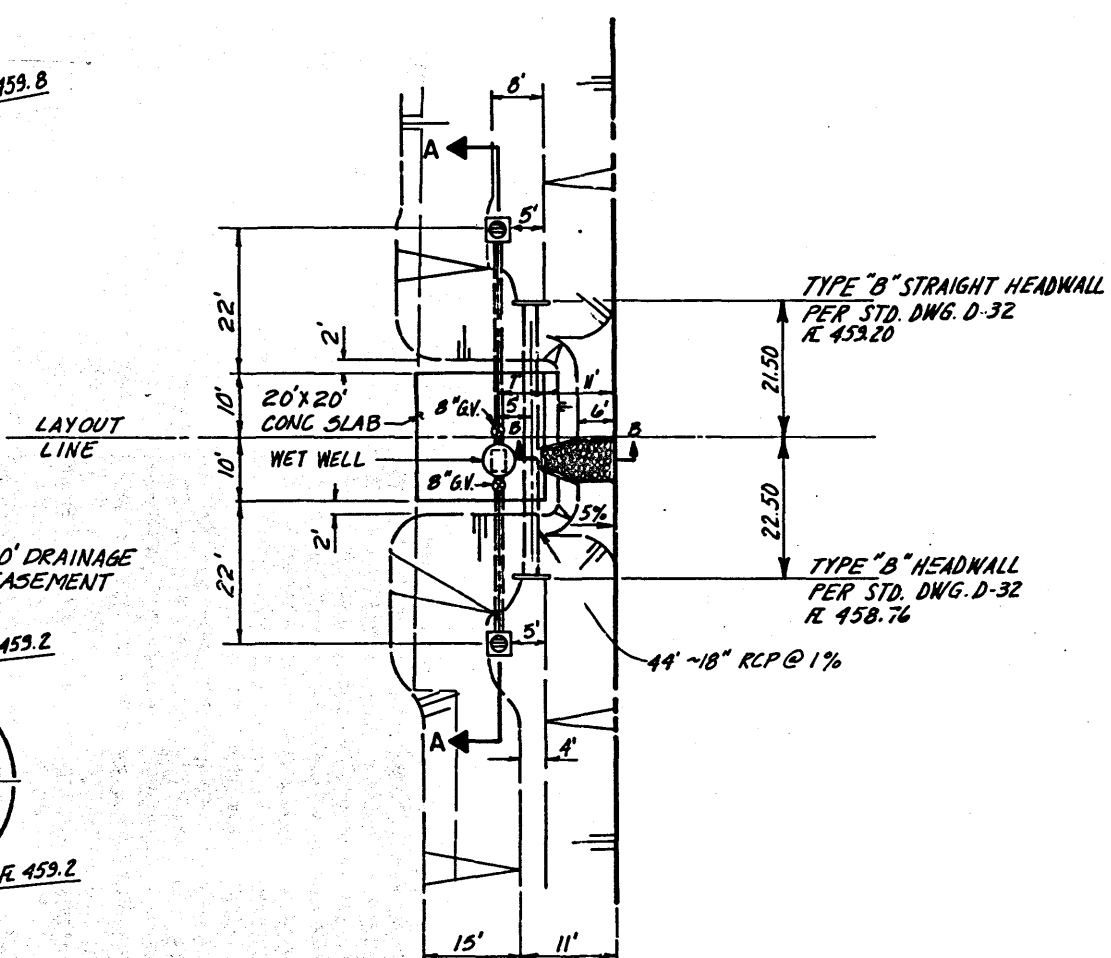
## **LAND USE**

***Mitigation Measure 4.1.6:*** A pre-maintenance meeting shall be held with the Maintenance Contractor, City representative and the Project Biologist. The Project Biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor. Prior to the pre-maintenance meeting, the following shall be completed:

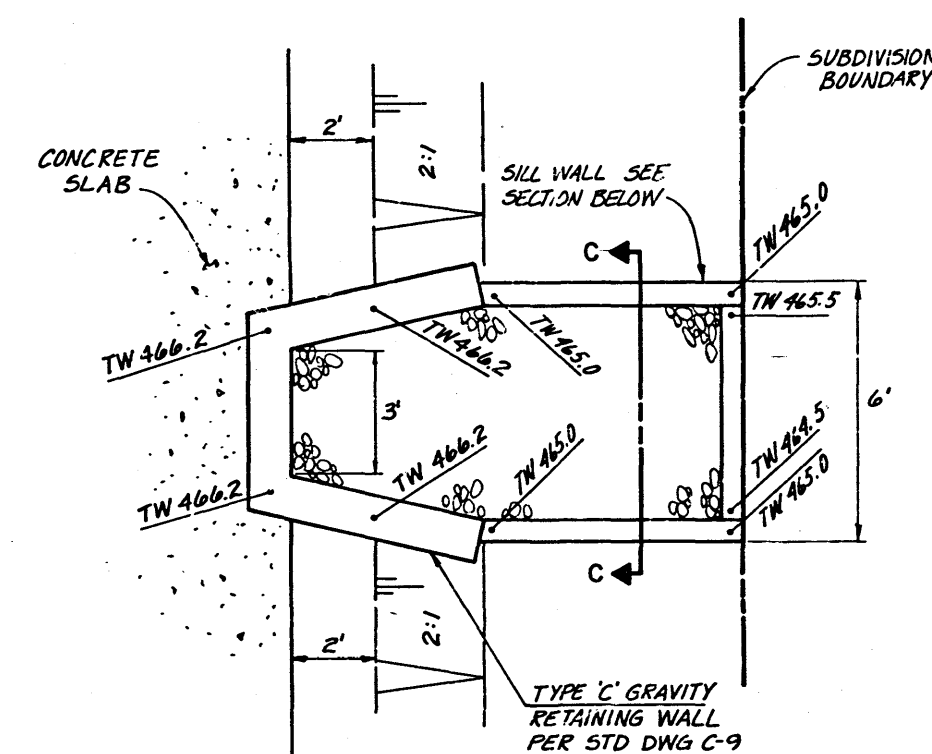
- The SWD shall provide a letter of verification to the Mitigation Monitoring Coordination Section stating that a qualified biologist, as defined in the City of San Diego Biological Resources Guidelines, has been retained to implement the projects MSCP monitoring Program. The letter shall include the names and contact information of all persons involved in the Biological Monitoring of the project. At least thirty days prior to the pre-maintenance meeting, the qualified biologist shall submit all required documentation to MMC, verifying that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
- The limits of work shall be clearly delineated. The limits of work, as shown on the approved maintenance plan, shall be defined with orange maintenance fencing and checked by the biological monitor before initiation of maintenance. All native plants or species of special concern, as identified in the biological assessment, shall be staked, flagged and avoided within Brush Management Zone 2, if applicable.

***Mitigation Measure 4.1.7:*** Maintenance plans shall be designed to accomplish the following.

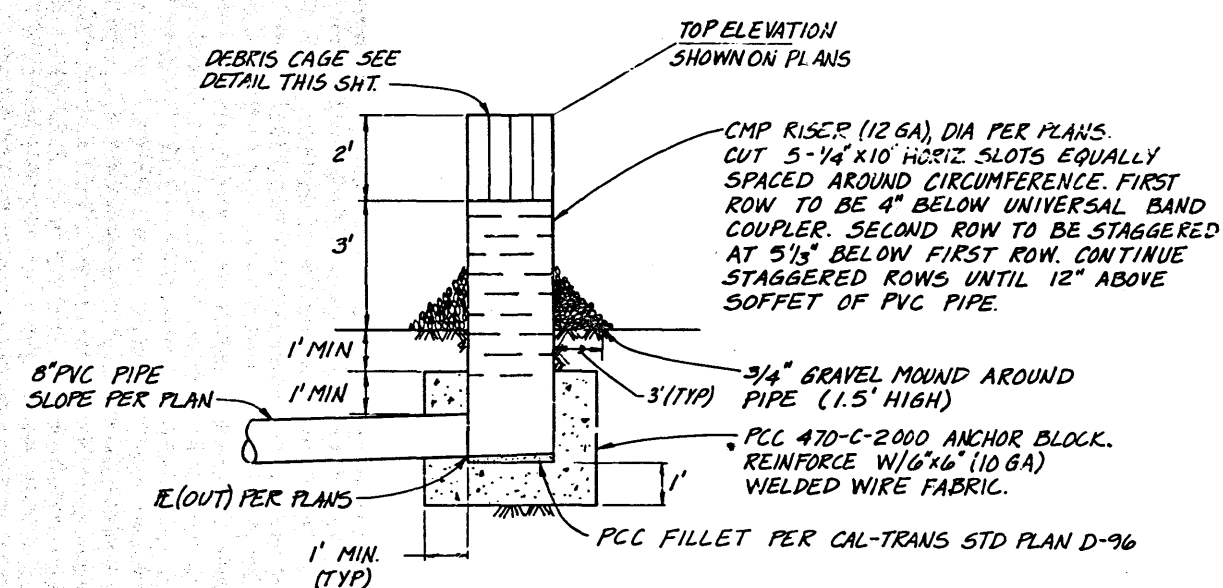
- Invasive non-native plant species shall not be introduced into areas adjacent to the MHPA. Landscape plans shall contain non-invasive native species adjacent to sensitive biological areas, as shown on the approved maintenance plan.
- All lighting adjacent to, or within, the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from sensitive areas using appropriate placement and shields. If lighting is required for nighttime maintenance, it shall be directed away from the preserve and the tops of adjacent trees with potentially nesting raptors, using appropriate placement and shielding.
- All maintenance activities (including staging areas and/or storage areas) shall be restricted to the disturbance areas shown on the approved maintenance plan. The project biologist shall monitor maintenance activities, as needed, to ensure that maintenance activities do not encroach into biologically sensitive areas beyond the limits of work as shown on the approved maintenance plan.
- No trash, oil, parking or other maintenance-related activities shall be allowed outside the established maintenance areas including staging areas and/or storage areas, as shown on the approved maintenance plan. All maintenance related debris shall be removed off-site to an approved disposal facility.
- Access roads through MHPA-designated areas shall comply with the applicable policies contained in the “Roads and Utilities Construction and Maintenance Policies” identified in Section 1.4.2 of the City’s Subarea Plan.



NO SCALE



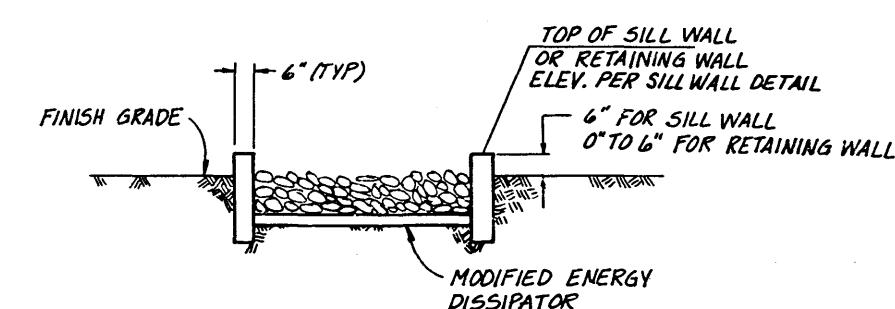
NO SCALE



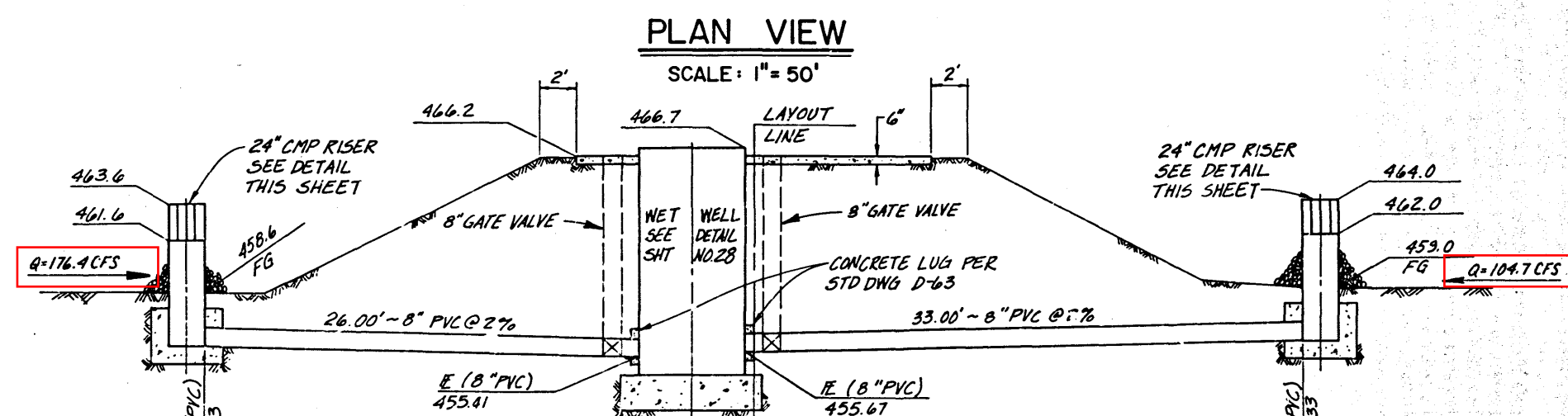
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RISEK NOTES:

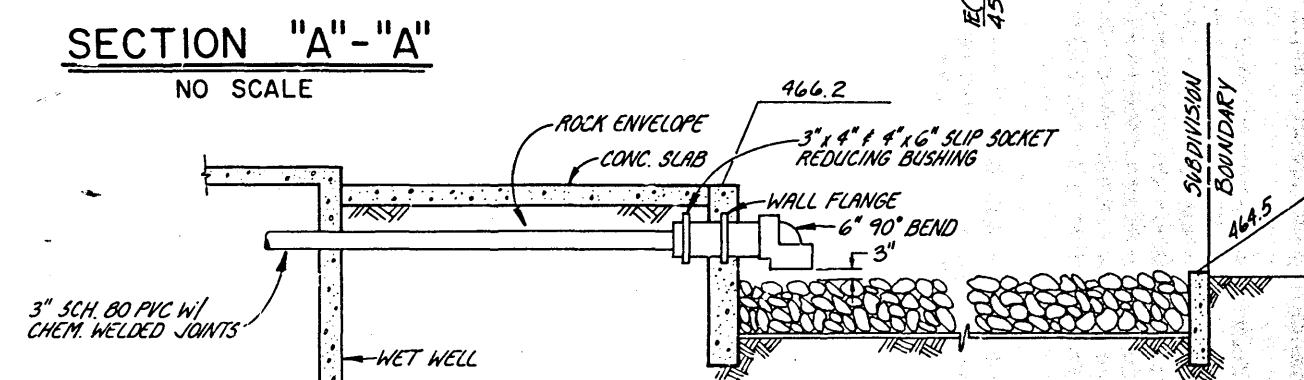
1. FOR DETAILS NOT SHOWN HEREON SEE CAL-TRANS STANDARD PLAN D-96.
2. SEDIMENT TO BE REMOVED AFTER EVERY RAIN STORM OR WHEN REACHING AN ELEVATION OF 460.0.



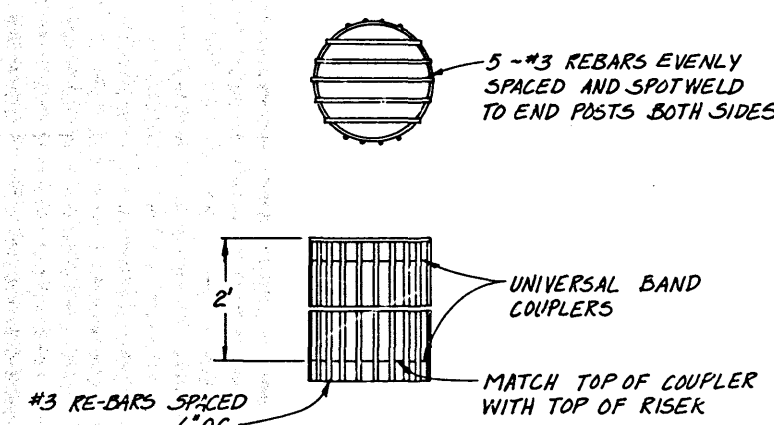
NO SCALE



NO SCALE



NO SCALE



NO SCALE

THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION  
UNTIL THE NOTICE TO PROCEED OR A BONDED  
SUBDIVISION PERMIT HAS BEEN ISSUED BY THE  
CITY ENGINEER.

BENCH MARK

U.S. NAVY PROPERTY COR. MON. S.W. OF INTERSECTION  
OTAY MESA & HERITAGE ROAD AT COR. CHAIN LINK FENCE.

ELEVATION: 504.644

DATUM: M.S.L.

ENGINEER OF WORK

Jerald L Van Ert  
JERALD L. VAN ERT

DATE: 4-2-87  
R.C.E. 20984

PLANS FOR THE IMPROVEMENT OF:

J- 9592

PRIVATE DRAINAGE PUMP

IN THE BRITANNIA COMMERCE CENTER

CITY OF SAN DIEGO, CALIFORNIA

ENGINEERING DEPARTMENT  
SHEET 33 OF 33 SHEETS

T.M. 84-0843

W.D.  
NO. 840643

*C.E. Leland*  
FOR CITY ENGINEER

DATE  
*5-1-87*

DIVISION HEAD

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	REC.			

DESIGN ENGINEER

CONTROL CERTIFICATION

138-I773

LARGEST COORDINATES

*A.S. BUILT*

REC.

*BPM*

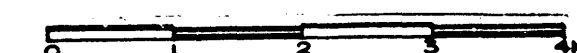
3-10-88

CONTRACTOR *P.C. HANCOCK*  
INSPECTOR *R.H. JOHNSON*

DATE STARTED, *8-1-86*  
DATE COMPLETED, *1-8-88*

22611-33-D

NEW SHEET





470

460

470

460

## PROFILE: CHANNEL "A"

SCALE: 1" = 40' HORIZ., 1" = 4' VERT.

## PROFILE: ABM DITCH "A-1"

SCALE: 1" = 40' HORIZ., 1" = 4' VERT.

## PROFILE: ABM DITCH "B-1"

SCALE: 1" = 40' HORIZ., 1" = 4' VERT.

## PROFILE: ABM DITCH "B-2"

SCALE: 1" = 40' HORIZ., 1" = 4' VERT.

## PROFILE: CHANNEL "A"

SCALE: 1" = 40' HORIZ., 1" = 4' VERT.

## PROFILE: CHANNEL "B"

SCALE: 1" = 40' HORIZ., 1" = 4' VERT.

THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION UNTIL THE NOTICE TO PROCEED OR A BONDED SUBDIVISION PERMIT HAS BEEN ISSUED BY THE CITY ENGINEER.

## BENCH MARK

US NAVY PROPERTY COR. MON. SW OF INTERSECTION OTAY MESA & HERITAGE ROAD AT COR. CHAIN LINK FENCE.

ELEV: 504.644

DATUM: M.S.L.

## ENGINEER OF WORK

Jerald L. Van Ert  
JERALD L. VAN ERT

R.C.E. 20984

4-1-86  
DATE

## PRIVATE CONTRACT

J-9592

PLANS FOR THE IMPROVEMENT OF:

## DRAINAGE CHANNEL PROFILES

IN THE BRITANNIA COMMERCE CENTER

CITY OF SAN DIEGO, CALIFORNIA

ENGINEERING DEPARTMENT

SHEET 20 OF 33 SHEETS

DATE: 5-30-86

FOR CITY ENGINEER

DESCRIPTION BY APPROVED DATE FILMED

ORIGINAL

CONTRACT IDENTIFICATION

CONTRACTOR: J. L. VAN ERT

DATE STARTED: 5-1-86

INSPECTOR: J. L. VAN ERT

DATE COMPLETED: 5-1-86

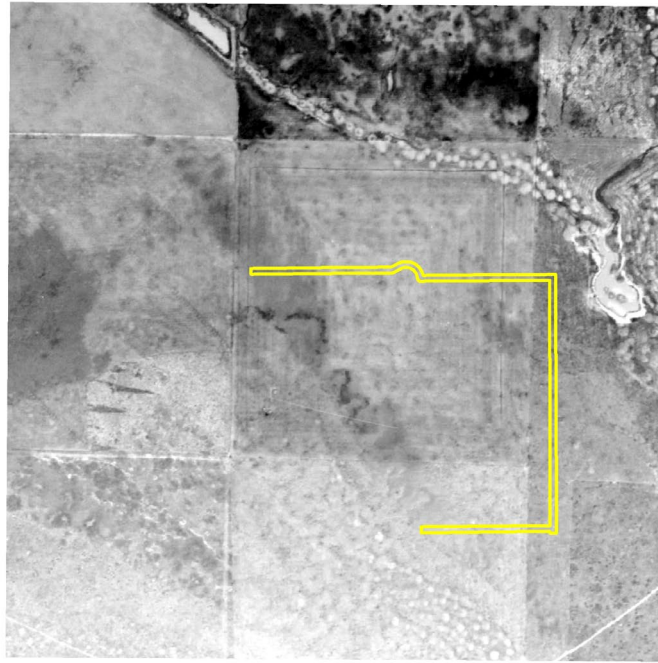
22611-20-D



**RICK ENGINEERING COMPANY**  
CIVIL ENGINEERS - PLANNING CONSULTANTS - SURVEYORS  
9520 FIREFLYS ROAD, SAN DIEGO, CALIFORNIA 92110 (619) 291-0707  
3088 PIO PICO DRIVE, CARLSBAD, CALIFORNIA 92008 (619) 729-4987  
365 S. RANCHO SANTA FE RD., SAN MARCOS, CA 92069 (619) 744-4800

0 1 2 3 4 IN.





**1953:** upland vegetation growing across the mesa in this area, with no obvious sign of historical drainage features or wetlands.



**1964:** land being used for agriculture, which appears to have been used for row crops through 1981.

G/PROJECTS/S/SDD/SDD-24.43 SiempreViva Permitting/Photos/Att 4 Historic Photo Pages

## Historic Aerials of the Siempre Viva and Bristow Storm Water Detention Facility

Attachment 3



**1981:** land being used for agriculture, which appears to have been used for row crops through 1981.



**1989:** the drainage ditch appears to have been constructed between 1981 and 1989 as part of the initial development of Otay Mesa.

**Attachment 4**  
**PLANT SPECIES OBSERVED**  
**IN THE SIEMPRE VIVA AND BRISTOW STORM WATER DETENTION FACILITY**

<b>Family</b>	<b>Species Name</b>	<b>Common Name</b>	<b>Habitat<sup>1,2</sup></b>
<b>Native Species</b>			
Asteraceae	<i>Baccharis sarothroides</i>	broom baccharis	DW
Cyperaceae	<i>Schoenoplectus californicus</i>	California bulrush	SWS, FWM
Salicaceae	<i>Salix exigua</i>	narrow-leaved willow	SWS
	<i>Salix gooddingii</i>	Goodding's black willow	SWS, RF
	<i>Salix lasiolepis</i>	arroyo willow	SWS, FWM, NFC
Typhaceae	<i>Typha</i> sp.	cattail	SWS, FWM
<b>Non-native Species<sup>3</sup></b>			
Aizoaceae	<b><i>Carpobrotus</i> sp.</b>	iceplant	NNV
Anacardiaceae	<i>Schinus terebinthifolius</i>	Brazilian pepper tree	FWM
Apiaceae	<b><i>Foeniculum vulgare</i></b>	fennel	SWS, DW
Arecaceae	<b><i>Washingtonia robusta</i></b>	Mexican fan palm	SWS
Asteraceae	<i>Chrysanthemum coronarium</i>	garland daisy	DW
	<i>Helminthotheca echinoides</i>	bristly ox-tongue	DW
	<i>Sonchus asper</i>	prickly sow thistle	DW
	<i>Sonchus oleraceus</i>	common sow thistle	DW
Brassicaceae	<i>Brassica nigra</i>	black mustard	DL, NNV
	<i>Hirschfeldia incana</i>	perennial mustard	FWM, NNV
Caprifoliaceae	<i>Lonicera japonica</i>	Japanese honeysuckle	DW
Chenopodiaceae	<i>Salsola tragus</i>	Russian thistle	DL
Cyperaceae	<i>Cyperus</i> sp.	sedge	DW
Malvaceae	<i>Malva parviflora</i>	cheeseweed	NNV, DW
Nyctaginaceae	<i>Bougainvillea</i> sp.	bougainvillea	NNV
Plumbaginaceae	<i>Limonium perezii</i>	statice	DW
Poaceae	<b><i>Avena</i> sp.</b>	oats	DL
Polygonaceae	<i>Rumex crispus</i>	curly dock	DW, NFC
Tamaricaceae	<b><i>Tamarix ramosissima</i></b>	French tamarisk	FWM
Verbenaceae	<i>Lantana camara</i>	lantana	NNV

<sup>1</sup>Habitats: DL=disturbed land, DW=disturbed wetland, FWM=freshwater marsh (disturbed), NFC=natural flood channel, ORN=ornamental, SRF=southern riparian forest (disturbed), SWS=southern willow scrub (disturbed)

<sup>2</sup>All wetland habitats listed are artificially created communities because they are areas that contain wetland species as a result of human activities in historically non-wetland areas

<sup>3</sup>Invasive species in boldface

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**Attachment 5**  
**WILDLIFE SPECIES OBSERVED**  
**IN THE SIEMPRE VIVA AND**  
**BRISTOW STORM WATER DETENTION FACILITY**

<b>Species Name</b>	<b>Common Name</b>
<b>Invertebrates</b>	
<i>Colias</i> sp.	unidentified sulphur
<i>Vanessa annabella</i>	West Coast lady
<b>Vertebrates</b>	
<i>Corvus brachyrhynchos</i>	American crow
<i>Falco sparverius</i>	American kestrel
<i>Calypte anna</i>	Anna's hummingbird
<i>Sayornis nigricans</i>	black phoebe
<i>Sylvilagus audubonii</i>	desert cottontail
<i>Haemorhous mexicanus</i>	house finch
<i>Charadrius vociferus</i>	killdeer
<i>Mimus polyglottos</i>	Northern mockingbird
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Sayornis saya</i>	Say's phoebe
<i>Melospiza melodia</i>	song sparrow
<i>Cathartes aura</i>	turkey vulture
<i>Elanus leucurus</i> <sup>1</sup>	white-tailed kite
<i>Setophaga coronata</i>	yellow-rumped warbler

<sup>1</sup>Sensitive species

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**Attachment 6**  
**AGENCY JURISDICTION DETERMINATIONS**

**From:** Fisher, Kelly@Wildlife [<mailto:Kelly.Fisher@wildlife.ca.gov>]  
**Sent:** Tuesday, October 24, 2017 10:12 AM  
**To:** Gibbs, Antoinette <[AGibbs@sandiego.gov](mailto:AGibbs@sandiego.gov)>  
**Subject:** RE: City of San Diego Site Visit to Siempre Viva and Bristow

Antionette,

I am not going to be able to make the site visit, but after looking at aerials and topos and your description of the lack of connection, I agree that the feature in question is not a river, stream, or lake and is not subject to the Notification requirements in Section 1602 of the Fish and Game Code.

Kelly Fisher  
Environmental Scientist  
(858) 467-4207  
[kelly.fisher@wildlife.ca.gov](mailto:kelly.fisher@wildlife.ca.gov)

California Department of Fish and Wildlife  
Lake and Streambed Alteration Program  
3883 Ruffin Road  
San Diego, California 92123

\*\*\*\*\*

Every Californian should conserve water. Find out how at:



[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)

**From:** Gibbs, Antoinette [<mailto:AGibbs@sandiego.gov>]  
**Sent:** Thursday, October 05, 2017 5:43 PM  
**To:** Honma, Lisa@Waterboards <[Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov)>; Becker, Eric@Waterboards <[Eric.Becker@waterboards.ca.gov](mailto:Eric.Becker@waterboards.ca.gov)>; Fisher, Kelly@Wildlife <[Kelly.Fisher@wildlife.ca.gov](mailto:Kelly.Fisher@wildlife.ca.gov)>; Shelly Lynch ([Michelle.R.Lynch@usace.army.mil](mailto:Michelle.R.Lynch@usace.army.mil)) <[Michelle.R.Lynch@usace.army.mil](mailto:Michelle.R.Lynch@usace.army.mil)>  
**Cc:** [jasmineb@helixepi.com](mailto:jasmineb@helixepi.com); Shelby Howard <[ShelbyH@helixepi.com](mailto:ShelbyH@helixepi.com)>; Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>  
**Subject:** City of San Diego Site Visit to Siempre Viva and Bristow

Good Afternoon All,

As was discussed during the last bimonthly meeting, the City of San Diego's Transportation and Storm Water Department is scheduling a site visit to review the Siempre Viva and Bristow flood control facility located in Otay Mesa (see attached maps). The Siempre Viva and Bristow facility was constructed in an upland area in the 1980's, and the area did not contain a historical

streambed. The Siempre Viva and Bristow facility consists of 2 drainage facilities that discharge into a shared detention facility connected by a pump well.

The purpose of the site visit is to review our determination that the Siempre Viva and Bristow flood control facility was wholly constructed within uplands, is geographically isolated, and provides limited water quality benefits given it is a closed system designed such that water drains via human intervention (via the pump well). Proposed maintenance will return the system back to baseline conditions, and therefore, the original functions will remain in-tact and local water quality benefits will not be impacted.

Our availabilities for a site meeting are listed below; we would set up a 1.0 (one) hour site visit (excluding travel time). Please let us know what date/time works best for you (choose two dates that work best).

October 12<sup>th</sup> available between 8:00 – 10:00

October 19<sup>th</sup> available between 10:30 – 12:30

October 25<sup>th</sup> available between 12:00 - 1:30

Regards,

Antoinette Gibbs

Associate Planner

Transportation & Storm Water

T (619) 527-5415

C (619) 541-2851

[agibbs@sanidiego.gov](mailto:agibbs@sanidiego.gov)

<https://www.sanidiego.gov/stormwater>



**CONFIDENTIAL COMMUNICATION**

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-----Original Message-----

From: Zack, Winston S CIV CPMS (US) [<mailto:Winston.S.Zack@usace.army.mil>]

Sent: Wednesday, November 15, 2017 9:40 AM

To: Gibbs, Antoinette <[AGibbs@sandiego.gov](mailto:AGibbs@sandiego.gov)>; Lisa Honma ([lisa.honma@waterboards.ca.gov](mailto:lisa.honma@waterboards.ca.gov)) <[lisa.honma@waterboards.ca.gov](mailto:lisa.honma@waterboards.ca.gov)>

Cc: Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>

Subject: RE: City of San Diego - Siempre Viva & Bristow (Otay Mesa)

Antoinette,

Based on internal discussions about this channel, the Corps is making a non-jurisdictional call since it does not appear to be a jurisdictional wetland, and does not contain the physical features the Corps looks for when making a non-wetland waters of the U.S. call. For instance, below is a list of common Ordinary High Water Mark (OHWM) features we look for, and few, if any of these features were evident on site.

- Natural line impressed on the bank
- Shelving
- Changes in the character of soil
- Destruction of terrestrial vegetation
- Presence of litter and debris
- Wracking
- Vegetation matted down, bent, or absent
- Sediment sorting
- Leaf litter disturbed or washed away
- Scour
- Deposition
- Multiple observed flow events
- Bed and banks
- Water staining

Further, the only time water would connect downstream to an established jurisdictional feature is from larger storm events. Due to the infrequency of such storm events, non-wetland waters OHWM features have not developed, and therefore there is little or no conveyance of flow.

Therefore, the Corps will not be taking jurisdiction over this channel.

Please let me know if you have any additional comments or questions.

Sincerely,

Winston S. Zack

Regulatory Project Manager, Archaeologist, M.S., RPA U.S. Army Corps of Engineers Regulatory Division

5900 La Place Court, Suite 100

Carlsbad, CA 92008

PH: (760) 602-4838

[winston.s.zack@usace.army.mil](mailto:winston.s.zack@usace.army.mil)

\*If this is an EMERGENCY, please contact my Chief, Shelly Lynch, at 760-602-4850 (office) or 760-577-5008 (cell)

\*\*Please note my usual working hours are from 0630-1500 Monday to Wednesday, and Friday\*\*

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_corpsmapu.usace.army.mil\\_cm-5Fapex\\_f-3Fp-3Dregulatory-5Fsurvey&d=DwIFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=LkmmNX9TX41LGGBKRVWoS0rb5hliXFzhvfJUjaziQpw&m=t9LbVe-nvMED-DSDe2vP0rBIP2gvOtBHBMFMcXzwr6U&s=AOQ0fHmLGiVOzyNtxmtVvB295oEsk04CaNIlp\\_1NB04&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_corpsmapu.usace.army.mil_cm-5Fapex_f-3Fp-3Dregulatory-5Fsurvey&d=DwIFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=LkmmNX9TX41LGGBKRVWoS0rb5hliXFzhvfJUjaziQpw&m=t9LbVe-nvMED-DSDe2vP0rBIP2gvOtBHBMFMcXzwr6U&s=AOQ0fHmLGiVOzyNtxmtVvB295oEsk04CaNIlp_1NB04&e=)

-----Original Message-----

From: Gibbs, Antoinette [<mailto:AGibbs@sandiego.gov>]

Sent: Thursday, November 2, 2017 3:14 PM

To: Lisa Honma ([lisa.honma@waterboards.ca.gov](mailto:lisa.honma@waterboards.ca.gov)) <[lisa.honma@waterboards.ca.gov](mailto:lisa.honma@waterboards.ca.gov)>; Zack, Winston S CIV CPMS (US) <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_Winston.S.Zack-40usace.army.mil&d=DwIFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=LkmmNX9TX41LGGBKRVWoS0rb5hliXFzhvfJUjaziQpw&m=t9LbVe-nvMED-DSDe2vP0rBIP2gvOtBHBMFMcXzwr6U&s=LNEUEpZEqs4qtn4L51RDH6afq8I7qrH7haVHUQhSloU&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_Winston.S.Zack-40usace.army.mil&d=DwIFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=LkmmNX9TX41LGGBKRVWoS0rb5hliXFzhvfJUjaziQpw&m=t9LbVe-nvMED-DSDe2vP0rBIP2gvOtBHBMFMcXzwr6U&s=LNEUEpZEqs4qtn4L51RDH6afq8I7qrH7haVHUQhSloU&e=)>

Cc: Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>

Subject: [EXTERNAL] City of San Diego - Siempre Viva & Bristow (Otay Mesa)

Good Afternoon Lisa and Winston,

Thanks again for meeting with us last week to visit the Siempre Viva and Bristow channel facility where maintenance is proposed. It was indicated that this facility would be reviewed with your staff to determine if the RWQCB or USACE would regulate proposed maintenance activities at this facility given that it appears that the facility was constructed as a BMP for the development (Britannia Commerce Center) and was created wholly within uplands. To further assist you in making that determination, below is a summarized description of the facility that was provided in the Individual Hydrology and Hydraulic Assessments for the project. Let us know if there is any other information we can provide. We look forward to hearing back from you.

Shared Detention Facility (Downstream end of Reaches 1 and 3)

Pursuant to Britannia Commerce Center As-Built Plan 22611-33-D prepared by RICK Engineering, dated March 10, 1988, the shared detention facility at the downstream end of Reaches 1 and 3 consists of two detention basins and a private wet well. An approximately 3-foot high 24-inch Corrugated Metal Pipe (CMP) riser is located in each detention basin and these risers are connected to the wet well between the two basins by 24-inch CMP outflow pipes. Water is pumped out of the wet well by a Hydromatik SK-100 submersible pump. The pump is automatically turned on when the water surface in the wet well exceeds 460.67 feet NAVD 88 and turns off when water has been drawn down below 460.17 feet NAVD 88. As documented by Hydromatik, this pump has a maximum capacity of 155 gallons per minute (0.34

cubic feet per second). Additionally, the two detention basins are connected by an 18-inch Reinforced Concrete Pipe (RCP) that allows water surface elevations to equalize between the two detention basins.

Regards,

Antoinette Gibbs  
Associate Planner  
Transportation & Storm Water  
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[agibbs@sanidiego.gov](mailto:agibbs@sanidiego.gov) <<mailto:agibbs@sanidiego.gov>>

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**From:** Honma, Lisa@Waterboards [<mailto:Lisa.Honma@waterboards.ca.gov>]  
**Sent:** Monday, November 27, 2017 10:18 AM  
**To:** Gibbs, Antoinette <[AGibbs@sandiego.gov](mailto:AGibbs@sandiego.gov)>  
**Cc:** Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>; [Winston.S.Zack@usace.army.mil](mailto:Winston.S.Zack@usace.army.mil); Becker, Eric@Waterboards <[Eric.Becker@waterboards.ca.gov](mailto:Eric.Becker@waterboards.ca.gov)>  
**Subject:** RE: City of San Diego - Siempre Viva & Bristow (Otay Mesa)

Antoinette, Yes. We agree that the channels in question together are a BMP facility and, therefore, is not subject to regulation under the Water Board's dredge and fill program. Rather, it should be routinely maintained under the City's Storm Water Program, in compliance with the requirements of the MS4 permit. Hope that clears it up. Thanks, Lisa

**Lisa Honma**  
Environmental Scientist  
Watershed & Riparian Protection Unit  
San Diego Water Board  
(619) 521-3367



**From:** Gibbs, Antoinette [<mailto:AGibbs@sandiego.gov>]  
**Sent:** Wednesday, November 22, 2017 8:09 AM  
**To:** Honma, Lisa@Waterboards <[Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov)>  
**Cc:** Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>; [Winston.S.Zack@usace.army.mil](mailto:Winston.S.Zack@usace.army.mil)  
**Subject:** RE: City of San Diego - Siempre Viva & Bristow (Otay Mesa)

Thank you Lisa. To clarify, can the City proceed with the proposed maintenance of the constructed storm water BMP, the Siempre Viva & Bristow facilities, in accordance with the City's BMP design Manual without further notification or application?

Thank you.

Antoinette Gibbs  
O (619) 527-5415  
C (619) 541-2851



**From:** Honma, Lisa@Waterboards [<mailto:Lisa.Honma@waterboards.ca.gov>]  
**Sent:** Thursday, November 16, 2017 2:18 PM  
**To:** Gibbs, Antoinette <[AGibbs@sandiego.gov](mailto:AGibbs@sandiego.gov)>  
**Cc:** Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>; [Winston.S.Zack@usace.army.mil](mailto:Winston.S.Zack@usace.army.mil)  
**Subject:** RE: City of San Diego - Siempre Viva & Bristow (Otay Mesa)

Antoinette, After consideration of the materials submitted in the email dated October 5, 2017, the site visit conducted on October 25, 2017, the information below, and internal discussion within the Wetland and Riparian Protection Unit, we are in agreement that the storm water channels located near Bristow Court and Britannia Boulevard, just south of Siempre Viva Road, are part of a storm water BMP that needs to be maintained in accordance with the City of San Diego's BMP Design Manual. Let me know if you have any further questions. Thanks, Lisa

**Lisa Honma**

Environmental Scientist  
Watershed & Riparian Protection Unit  
San Diego Water Board  
(619) 521-3367



**From:** Gibbs, Antoinette [<mailto:AGibbs@sandiego.gov>]  
**Sent:** Thursday, November 2, 2017 3:14 PM  
**To:** Honma, Lisa@Waterboards <[Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov)>; [Winston.S.Zack@usace.army.mil](mailto:Winston.S.Zack@usace.army.mil)  
**Cc:** Bracci, Stephanie <[SBracci@sandiego.gov](mailto:SBracci@sandiego.gov)>; Rothman, Christine <[CRothman@sandiego.gov](mailto:CRothman@sandiego.gov)>  
**Subject:** City of San Diego - Siempre Viva & Bristow (Otay Mesa)

Good Afternoon Lisa and Winston,

Thanks again for meeting with us last week to visit the Siempre Viva and Bristow channel facility where maintenance is proposed. It was indicated that this facility would be reviewed with your staff to determine if the RWQCB or USACE would regulate proposed maintenance activities at this facility given that it appears that the facility was constructed as a BMP for the development (Britannia Commerce Center) and was created wholly within uplands. To further assist you in making that determination, below is a summarized description of the facility that was provided in the Individual Hydrology and Hydraulic Assessments for the project. Let us know if there is any other information we can provide. We look forward to hearing back from you.

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inch Reinforced Concrete Pipe (RCP) that allows water surface elevations to equalize between the two detention basins.

**24. Viewing inside the private wet well in the shared detention facility.**



Regards,

Antoinette Gibbs  
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[agibbs@sanidiego.gov](mailto:agibbs@sanidiego.gov)  
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