City of San Diego
Development Services

ENTITLEMENTS DIVISION
(619) 446-5460

Mitigated Negative Declaration

Project No. 134590
SCH No. 2007091059

SUBJECT: **URBAN RUNOFF MANAGEMENT PLANS. CITY COUNCIL APPROVAL** of one (1) updated Jurisdictional Urban Runoff Management Plan (JURMP) and associated ordinance amendments and amendments to the Land Development Manual, six (6) updated Watershed Urban Runoff Management Plans (WURMPs), and one (1) Regional Urban Runoff Management Plan (RURMP) outlining the efforts of the City of San Diego (City) to reduce and prevent, by itself and in coordination with other jurisdictions, urban runoff pollution pursuant to San Diego Regional Water Quality Control Board Order No. R9-2007-0001 (Municipal Storm Water Permit). The City's efforts will incorporate both structural and non-structural activities throughout its jurisdiction. Applicant: City of San Diego, General Services Department, Storm Water Pollution Prevention Division.

UPDATE:

Minor revisions have been made to this Mitigated Negative Declaration subsequent to the distribution of the draft document for public review and comment. Revisions are denoted by ~~strikeout~~ and underline.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. DETERMINATION:

The City conducted an Initial Study which determined that the proposed planning documents could have a significant environmental effect in the following areas(s): **Historical Resources (Archaeology), Paleontological Resources** and **Land Use (MHPA Land Use Adjacency)**. Subsequent additions pertaining to the implementation of the planning documents create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The documents augmented as to their implementation now avoid or

mitigate the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

SUBSEQUENT REVIEW

Future applications for the implementation of City projects of the activity type of Capital Improvement Projects (CIP) only (including, but not limited to: Green Street – Infiltration, Green Mall – Infiltration, Green Lot – Infiltration, Infiltration Vault/Pit Installation with associated headworks, Hydrodynamic Separator Installation, Sediment and Peak Flow Control, Inlet Trash/Debris Segregation BMP, and Bacteria Treatment BMP, Dry Weather Diversion) pursuant to the WURMPs only as indicated in the Purpose and Main Features discussion of this Initial Study within the City would be reviewed for potential impacts and consistency with the attached Mitigated Negative Declaration (MND). Where it can be determined that the project is consistent with the attached MND, if the project does not impact potentially sensitive biological resources, and no additional potentially significant impacts would result pursuant to Section 15162 of the State of California Environmental Quality Act (CEQA), an Addendum to this MND would be prepared. The Addendum would discuss the specifics of each project, including the location, environmental setting, and construction methods. Where the projects are inconsistent with the assumption of this environmental document or in the event an impact would result, a determination of the environmental document to be prepared would be made based on the completion of an Initial Study.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals

involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
    a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
    a. The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
    a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and

associated appurtenances and/or any known soil conditions (native or formation). **The AME shall specifically identify areas where Native American Monitoring is required along the trenching alignment and other pertinent areas.** MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur
    a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
    b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule
    a. After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
    1. The monitor and Native American monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
    2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.
    3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process
    1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or e-mail with photos of the resource in context, if possible.

C. Determination of Significance
   1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
      a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
      b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
         (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
      c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
         (1) Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
         (2) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources — Pipeline Trenching Projects
The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:
   1. Procedures for documentation, curation, and reporting
      a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated.

The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.

b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification
   1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
   2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site
   1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
   2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
   3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American
   1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
   2. The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
   3. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
   4. The PI shall coordinate with the MLD for additional consultation.
   5. The MLD has 48 hours to make recommendations to the property owner or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.

6. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
    a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR
    b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
    c. To protect these sites, the landowner shall do one or more of the following:
        (1) Record the site with the NAHC;
        (2) Record an open space or conservation easement; or
        (3) Record a document with the County.
    d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c., above.

D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

II. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
2. The following procedures shall be followed.
    a. No Discoveries
    In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via the RE by fax by 9am the following morning of the next business day.

b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.

c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under *Section III: During Construction* shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.
3. All other procedures described above shall apply, as appropriate.

III. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
    a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
    b. Recording Sites with State of California Department of Parks and Recreation
        (1) The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts
   1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
   2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of Artifacts: Accession Agreement and Acceptance Verification
   1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
   2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
   3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
   4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)
   1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
   2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

I. **Prior to Permit Issuance or Bid Opening/Bid Award**

A. Land Development Review (LDR) Plan Check
   1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD
   1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
    a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
   The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
3. Identify Areas to be Monitored
    a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
    b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
    c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur

a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

5. Approval of PME and Construction Schedule
After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME and as authorized by the CM that could result in impacts to formations with high and/or moderate resource sensitivity at depths of 10 feet or greater and as authorized by the construction manager. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
    a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
    b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
        (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
    c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
    d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
        (1) Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
        (2) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources — Pipeline Trenching Projects
The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.
    1. Procedures for documentation, curation and reporting
        a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology

Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.

b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.

c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.

d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
2. The following procedures shall be followed.

a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via the RE via fax by 9am the following morning of the next business day.

b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate

graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
b. Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

C. Curation of artifacts: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

LAND USE (MHPA – LAND USE ADJACENCY GUIDELINES)

If future projects are located adjacent to the Multi-Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines shall be made conditions of project approval in order to reduce potential indirect impacts:

1. Prior to initiation of any construction-related activities adjacent to the MHPA, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor, when applicable.

2. Prior to the commencement of any construction related activities adjacent to the MHPA, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading. If no construction activities would be in areas adjacent to the MHPA, then this measure would not be implemented.

3. Prior to the commencement of any construction related activities, the ADD/Environmental Designee shall review the construction documents to ensure that no invasive, non-native plant species are being introduced into areas adjacent to the MHPA.

4. Construction lighting located in areas adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.

5. No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA; No equipment maintenance shall be conducted within or near the adjacent to the MHPA.

6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, weed-free hay or straw bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.

7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading or permitted construction activities. All construction related debris shall be removed off-site to an approved disposal facility.

8. Prior to the commencement of any construction related activities adjacent to the MHPA, the ADD/Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the Coastal California gnatcatcher, Least Bell's vireo and the southern Willow Flycatcher are shown on the construction plans and indicated below:

COASTAL CALIFORNIA GNATCATCHER

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD (Environmental Designee) of LDR:

A. A QUALIFIED BIOLOGIST SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE FOR A MINIMUM OF FOUR WEEKS (WITHIN THE BREEDING SEASON) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

I. *BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

II. *BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE ADD OF LDR AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

III. *AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE

LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENTUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE INITIAL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ADD OF LDR AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

C. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ~~CITY MANAGER~~ ADD/ENVIRONMENTAL DESIGNEE:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THE THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

1. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

2. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

3. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT

NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ~~City Manager~~ ADD/Environmental Designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

SOUTHWESTERN WILLOW FLYCATCHER (Federally Endangered)
NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MAY 1 AND SEPTEMBER 1, THE BREEDING SEASON OF THE SOUTHWESTERN WILLOW FLYCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ~~CITY MANAGER~~ ADD/ENVIRONMENTAL DESIGNEE:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE SOUTHWESTERN WILLOW FLYCATCHER. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES

ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF THE SOUTHWESTERN WILLOW FLYCATCHER IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MAY 1 AND SEPTEMBER 1, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MAY 1 AND SEPTEMBER 1, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE SOUTHWESTERN WILLOW FLYCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 1).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ~~City Manager~~ ADD/Environmental Designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF SOUTHWESTERN WILLOW FLYCATCHER ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ~~CITY MANAGER~~ ADD/ENVIRONMENTAL DESIGNEE, AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MAY 1 AND SEPTEMBER 1 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR SOUTHWESTERN WILLOW FLYCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Raptors and Burrowing Owls

1. If the site has a potential to support nests and nesting raptors. If nests are present during construction, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.

2. If there is a potential for indirect noise impacts to nesting raptors, prior to any construction within the nesting/breeding season (February 1 through September 15) and for the Northern harrier (February 1 through August 31) the biologist shall conduct a preconstruction survey to determine the presence of active raptor nests. If active nests are detected the biologist in consultation with EAS staff shall establish a species appropriate noise buffer zone. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and shall be established through coordination with the Department of Fish and Game. If active nests are detected, construction activities shall be prohibited within 300 feet of the nest until after the raptor breeding season has ended (defined as February 1 – August 31) or until the fledglings have left the nest. No construction shall occur within this zone during the raptor breeding season.

VI. PUBLIC REVIEW DISTRIBUTION:

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

State of California
- Department of Fish and Game (32)
- Resources Agency (43)
- Regional Water Quality Control Board (44)
- Clearinghouse (46)
- Coastal Commission (47)
- Water Resources Control Board (55)
- Native American Heritage Commission (56)
- Parks & Recreation – Tijuana River Natural Estuarine Reserve (229)
- Parks & Recreation – Southern Service Center (428)

County of San Diego
- Planning and Land Use (68)
- Public Works (70/72)
- Water Authority (73)
- Environmental Health Services (75)
- Land & Water Quality Division (76)

City of San Diego
- Mayor's Office (91)
- Councilmember Peters, District 1 (MS 10A)
- Councilmember Faulconer, District 2 (MS 10A)
- Councilmember Atkins, District 3(MS 10A)
- Councilmember Young, District 4 (MS 10A)
- Councilmember Maienschein, District 5 (MS 10A)
- Councilmember Frye, District 6 (MS 10A)
- Councilmember Madaffer, District 7 (MS 10A)
- Councilmember Hueso, District 8 (MS 10A)
- City Planning and Community Investment Department
- Development Services Department
- Real Estate Assets Department (85)
- Environmental Services Department (93A)
- Engineering and Capital Projects Department (86)
- General Services Department (92)
- Steve Fontana (80)
- Library Department (81)
- All City Libraries (81A-81KK)
- Metropolitan Wastewater Department (86B)
- Park and Recreation Department (89)
- Water Department (86A)
- Office of the City Attorney, Shirley Edwards (MS
- Historic Resources Board (87)
- Community Forest Advisory Board (80)

Wetland Advisory Board (91A)
Park Development (93)
Housing Commission -Wendy Dewitt (MS 49N)

Other Groups and Individuals
Community Planners Committee (194)
City of Chula Vista (94)
City of Del Mar (96)
City of Imperial Beach (99)
City of La Mesa (100)
City of Lemon Grove (101)
City of National City (102)
City of Poway (103)
City of Santee (104)
SANDAG (108)
San Diego Unified Port District (109)
San Diego Coast & Baykeeper (173)
San Diego Transit (112)
San Diego Gas and Electric (114)
Metropolitan Transit Development Board (115)
San Dieguito River Park (116)
San Diego Unified School District (125)
Daily Transcript (135)
San Diego City Schools (132)
San Diego Union-Tribune City Desk (140)
Beach and Bay Press (137)
Metro News (141)
San Diego Chamber of Commerce (157)
Building Industry Association (158)
San Diego River Park Foundation (163)
Sierra Club (165)
Neighborhood Canyon Creek & Park Groups (165A)
San Diego Natural History Museum (166)
San Diego Audubon Society (167)
Jim Peugh (167A)
San Diego River Conservancy (168)
Environmental Health Coalition (169)
California Native Plant Society (170)
Center for Biological Diversity (176)
San Diego Council of Divers (177)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182/182A)
Torrey Pines Association (186)
Town Council President's Association (197)
Community Planners Council (198)
Carmen Lucas (206)
Jerry Schaefer, PhD (209)

South Coastal Information Center, San Diego State University (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
Save Our Heritage Organization (214)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (Public Notice Only) (225A-225R)
- Barona Group of Capitan Grande Band of Mission Indians
- Campo Band of Mission Indians
- Cuyapaipe Band of Mission Indians
- Inaja and Cosmit Band of Mission Indians
- Jamul Band of Mission Indians
- La Posta Band of Mission Indians
- Manzanita Band of Mission Indians
- Sycuan Band of Mission Indians
- Viejas Group of Capitan Grande Band of Mission Indians
- Mesa Grande Band of Mission Indians
- San Pasqual Band of Mission Indians
- Santa Ysabel Band of Diegueño Indians
- La Jolla Band of Mission Indians
- Pala Band of Mission Indians
- Pauma Band of Mission Indians
- Pechanga Band of Mission Indians
- Rincon Band of Luiseno Mission Indians
- Los Coyotes Band of Mission Indians

Otay Mesa-Nestor Planning Committee (228)
Otay Mesa Planning Committee (235)
Downtown San Diego Partnership (237)
Gaslamp Quarter Council (239)
Unified Port District (240)
Barrio Station Inc. (241)
Centre City Advisory Committee (243)
Harborview Community Council (245)
Balboa Avenue CAC (246)
Clairemont Mesa Planning Committee (248)
Marion Bear Natural Park Recreation Council (253)
Tecolote Canyon CAC (254)
Friends of Tecolote Canyon (255)
Clairemont Town Council (257)
Greater Golden Hill Planning Committee (259)
Friends of Switzer Canyon (260)
Serra Mesa Planning Group (263A)
Mary Johnson (263B)
MCAS Miramar (263C)

Serra Mesa Community Council (264)
Kearney Mesa Community Planning Group (265)
Linda Vista Community Planning Committee (267)
La Jolla Shores Association (272)
La Jolla Town Council (273)
La Jolla Community Planning Association (275)
La Jolla Shores PDO Advisory Board (279)
City Heights Area Planning Committee (287)
Rolando Community Council (288)
Kensington/Talmadge Planning Committee (290)
Normal Heights Community Planning Committee (291)
Bay Ridge Homeowners Assn. (294)
Mr. Jose Lopez (295)
Oak Park Community Council (298/299)
Webster Community Council (301)
Eastern Area Planning Committee (302)
Fairmount Park Neighborhood Association (303)
John Stump (304)
Floyd Melson - Chollas Lake Park Rec. Council (305)
Darnell Community Council (306)
Midway Community Planning Committee (307)
Mira Mesa Community Planning Group (310)
Friend of Penasquitos Preserve, Inc. (313)
Surfers Tired of Pollution (318)
San Diego Baykeeper (319)
Debby Knight – Friends of Rose Canyon (320)
Mission Bay Lessees (323)
Mission Beach Precise Planning Board (325)
Mission Beach Town Council (326)
Mission Hills Association (327)
Mission Valley Center Assn. (328)
Friars Village HOA (328A)
Mary Johnson (328B)
Mission Valley Community Council (328C)
Friends of the Mission Valley Preserve (330B)
Mission Valley Unified Planning Group (331)
Mr. Gene Kemp, GM – Fashion Valley (332)
Lynn Mulholland (333)
River Valley Preservation Project (334)
Friends of Adobe Falls (335)
Navajo Community Planners Inc. (336)
San Carlos Area Council (338)
Mission Trails Regional Park CAC (341)
Carmel Mountain Ranch Community Council (344)
Pardee Construction (345)
City Attorney of Del Mar (346)
Rancho Santa Fe Assn. (347)

22nd District Agricultural Assn- Del Mar Fairgrounds (349)
Carmel Valley Community Planning Board (350)
Friends of Los Penasquitos Canyon Preserve (357)
Los Penasquitos Canyon Preserve CAC (360)
Del Mar Mesa Community Planning Board (361)
Greater North Park Planning Committee (363)
North Park Community Association (366)
Ocean Beach Planning Board (367)
Ocean Beach Town Council (367A)
Ocean Beach Merchants Association (367B)
Old Town Community Planning Committee (368)
Presidio Park Council (370)
Pacific Beach Town Council (374)
Pacific Beach Community Planning Committee (375)
Crown Point Association (376)
Rancho Penasquitos Community Council (378)
Torrey Pines Association (379)
Rancho Penasquitos Planning Board (380)
Rancho Penasquitos Town Council (383)
Los Penasquitos Canyon Preserve CAC (385)
Sunset Cliffs Natural Park Rec. Council (388)
Peninsula Community Planning Board (390)
Peninsula Chamber of Commerce (391)
Point Loma Nazerene College (392)
Rancho Bernardo Community Council (398)
Rancho Bernardo Community Planning Board (400)
Sabre Springs Planning Group (406B)
Sabre Springs Community Planning Group (407)
San Dieguito Lagoon Committee (409)
San Dieguito Planning Group (412)
San Dieguito River Park CAC (415)
Friends of San Dieguito River Valley (419)
Friends of San Dieguito River Valley (421)
San Dieguito River Valley Conservancy (422)
RVR PARC (423)
Fairbanks Ranch Association (424)
San Dieguito River Park JPA (425A)
San Pasqual-Lake Hodges Planning Group (428)
San Ysidro Planning Group (433)
United Border Town Council (434)
Scripps Ranch Community Planning Group (437)
Miramar Ranch North Planning Committee (439)
Skyline Paradise Hills Planning Committee (443)
Torrey Hills Community Planning Board (444A)
Southeastern San Diego Organizing Project (447)
Southeast Economic Development Corporation (448)
Southeastern San Diego Development Committee (449)

Encanto Neighborhoods Community Planning Group (449A)
Educational/Cultural Complex (450)
Kathleen Harmon – Chair, Central Imperial PAC (452)
Voice News & Viewpoint (453)
Mt. Hope Residents Assn. (454)
W. Anthony Fulton, Director – SDSU Facilities & Mgmt. (455)
College Area Community Council (456)
Tierrasanta Community Council (462)
Murphy Canyon Community Council (463)
Mission Trails Regional Park – Dorothy Leonard (465)
East Elliott Planning Advisory Committee (466)
Del Mar Terrace Property Owners Assn. (467)
Torrey Pines Community Planning Group (469)
Crest Canyon CAC (475)
University City Planning Group (480)
University City Community Assn. (486)
Hillcrest Association (495)
Uptown Planners (498)
Hillside Protection Assn. (501)
Banker's Hill Canyon Assn. (502)
Allen Canyon Committee (504)
S. Wayne Rosenbaum
Jim Varnadore
Jennifer Wirsing – Rick Engineering
Dennis Bolling – Rick Engineering
Jayne Janda-Timba – Rick Engineering
Brendan Hastie – Rick Engineering
Doug Grote – Just Star Construction
Fred Jacobsen – SDG&E
Scott Malloy – BIA
Jim Kilgore – Shea Homes
David Nyby – Shea Homes
Greg Ponce – Shea Homes
Bill Moser – Nasland Engineering
Bon Haynes – Nasland Engineering
David Wiener – RBF Consulting
Eric Elmore – RBF Consulting
Scott Cartwright - RBF Consulting
Rich Lucera – RBF Consulting
Jim Hettinger – Nolte & Associates, Inc.
Jennifer Crain –Nolte & Associates, Inc.
Jorge Palacios – JP Engineering
Joe Loeffelholz – JP Engineering
Thom Fuller – McMillin
Paul Manning -McMillin Land Development
David McInvol – Pacific Corrugated
Sandee Knuckey -Pacific Corrugated

Darlene Szczublewski – PDC
Debby Reese -PDC
Chuck Spinks - Kimley-Horn
Gabriel Solmer – San Diego Coastkeeper
Mike Kimberlain –Kristar
Crystal Najera – PBS&J Consultant
Steven Scott
Jim Hook – Adams Engineering
Eric Bowlby
Tony Oleksonm – Latitude 33
John Eardensohn – Latitue 33
Annie Aguilar -San Dieguito Engineering
Jerry Livingston
Tershia d'Elgin
Ed Kimura

VII. RESULTS OF PUBLIC REVIEW:

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

( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

(X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration; the Mitigation, Monitoring, and Reporting Program; and any Initial Study material are available in the office of the Land Development Review Division for review or for purchase at the cost of reproduction.

Myra Herrmann, Senior Planner
Development Services Department

September 10, 2007
Date of Draft Report

Analyst: Myra Herrmann

October 19, 2007
Date of Final Report