(R-99-678)

RESOLUTION NUMBER R- 291189

ADOPTED ON JAN 19 1999

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that the information contained in the Environmental Impact Report, on file in the office of the City Clerk, LDR File No. 98-0043, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been first reviewed and considered by this Council in connection with the approval of the First Amendment to the South San Diego Pipeline No. 2 Participation Agreement - Phase 2 Design and Construction.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or

avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By _____
PAUL G. EDMONSON
Deputy City Attorney

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MITIGATION MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT

Biological Resources

Indirect impacts from construction of the proposed pipeline could significantly impact Diegan sage scrub (approximately 0.3 acre). Otay tarplant and San Diego bur-sage populations are located in proximity to the alignment corridor. Direct loss of these species are not expected. However, because of the proximity of these species to the alignment, inadvertant impacts from construction would occur if locations of these species are not clearly flagged prior to construction.

The project will result in the loss of a few San Diego barrel cacti.

Impacts on least Bell's vireo and California gnatcatcher would be significant as the project will result in an impact to wetland habitat and coastal sage scrub.

The alignment consisting of Segments A, B, C, D, and E will impact approximately 0.18 acre of southern willow scrub/mule fat scrub and 0.04 acre of alkaline marsh habitat. Of this 0.03 of the alkaline marsh is CDFG only jurisdiction. The A, F, D, E alignment will impact 0.45 acre of southern willow scrub, 0.8 acre of alkaline marsh (of this 0.03 CDFG only), and 0.1 acre of atypical wetlands. The last mentioned includes both 0.04 acre of unvegetated wetland at a recently cleared location at an upgraded culvert on the westernmost crossing, as well as 0.06 acre of wetland recently planted on an embankment adjacent to the Otay Valley Road bridge crossing of the Otay River (CDFG only jurisdiction).

1. In order to limit the loss of tarplant and bur-sage populations, these species shall be clearly flagged and a biological monitor shall oversee these areas during pipeline installation to ensure that these areas are not disturbed during construction.

2. Diegan sage scrub removed as a result of grading and trenching operations shall be replaced on-site at a ratio of 2:1. Revegetation shall consist of hydroseeding in areas where vegetation has been removed once retrenching has taken place.

3. Any individual cacti lost as a result of pipeline construction shall be relocated to a suitable location within close proximity of its original location. Cacti shall be watered-in and subsequently monitored a minimum of two times to determine viability in their new location.

4. The central Otay Road crossing and the western crossing near I-805 occur near willow scrub which supported nesting Least Bell's Vireos in spring 1997. To avoid potential disruptions to future nesting pairs, it is recommended that these two crossings, both associated only with Segment F, be constructed outside of the breeding season (approximately March 20 through September 1).

   Alternatively, a protocol level vireo survey could be conducted for this segment to determine the presence or absence of the species. If the results of the survey (if conducted) indicate an absence of this species such that any direct or indirect effects are avoided (i.e. noise), then construction could be conducted during the breeding season.

California Gnatcatcher

5. Two very limited segments of the alignment (shared by both the preferred and the alternative routes) pass through sage scrub. Areas immediately adjacent supported gnatcatchers in 1997; the alignment itself crosses through disturbed sage scrub which is poor quality gnatcatcher habitat. Nevertheless, to avoid potential impacts to nesting birds, it is recommended this portion of the alignment be constructed outside of the breeding season (approximately February 1 through July 30).

Alternatively, a protocol level gnatcatcher survey could be conducted for these segments to determine the presence or absence of this species. If the results of the survey (if conducted) indicate an absence of this species, and avoidance of both direct and indirect (i.e. noise) effects, then construction could be conducted during the breeding season.

Wetland

6. A 401 Regional Water Quality Board certification, a Section 1601 Streambed Alteration Agreement with the California Department of Fish and Game, and a U.S. Army Corps of Engineers 404 permit shall be obtained.

7. The City shall prepare an on-site conservation plan. This plan is potentially necessary given the City of San Diego's participation in the MSCP, and given the portion of the pipeline alignment within a proposed/potential habitat conservation planning area.

8. The 0.22 acre of wetlands impacted by the preferred alignment shall be re-established adjacent to the easternmost crossing under a five year monitoring plan at a 1:1 replacement ratio utilizing southern willow scrub. 2:1 wetlands mitigation is require and would be attained through local enhancement of wetlands such as the planting of additional willows and other riparian vegetation.

9. The 0.63 acre of wetland impacted by the alternative alignment shall also be re-established at this same eastern location and under these conditions if this route is utilized. Mitigation impacts can be further reduced for the alternative alignment by strictly controlling the disturbance corridor on the west side of the Otay Valley Road bridge crossing to the existing 30 foot wide previously disturbed maintenance road. This would reduce impacts by 0.25 acre of Southern Willow Scrub and 0.06 acre of atypical recently planted wetlands on the road embankments.

Contingency Mitigation Measure 10 under "Biological Resources" has been added to the Mitigation Monitoring and Reporting Program to ensure avoidance of impacts to the southwestern pond turtle. Mitigation Measure 10 states:

10. Immediately prior to construction of the portions of Segments A, F that cross the riverbed, and the portion of Segment B that is adjacent to the riverbed but not within an existing roadway, an exclusionary fence shall be erected along either side of the construction alignment (upstream and downstream of wetland areas). Segment A crosses the river bed one time, and the exclusionary fencing shall be limited to only those portions of this crossing that are in the vicinity of plungable habitat for the turtle as determined appropriate by the biological monitor. Segment B does not cross the riverbed; however, exclusionary fencing shall be provided on applicable portions of Segment B as determined necessary by the biological monitor. Segment F crosses the riverbed two times. The eastern crossing of Segment F occurs within Otay Valley Road, and no exclusionary fencing would be required. For the western crossing of Segment F, the exclusionary fencing shall be limited to only those portions of this crossing that are in the vicinity of plungable habitat for the turtle as determined appropriate by the biological monitor.

    The purpose of the fence is to avoid crossing of southwestern pond turtles during pipeline construction. All fencing shall remain in place until construction of the subject area is completed. The project biological monitor shall conduct a focused survey for the southwestern pond turtle within the alignment corridor after the installation of exclusionary fencing and prior to construction. The purpose of the survey is to relocate any turtles within the construction corridor to suitable habitat.

Contingency Mitigation Measure 11 has been added to the Mitigation Monitoring and Reporting Program to ensure avoidance of impacts to the Quino checkerspot. Mitigation Measure 11 states:

11. Focused protocol level burrowing owl surveys shall be conducted during the spring of 1999 prior to construction of Segments A, B and F if, prior to construction of these segments the biological monitor identifies the presence of scat, or burrows or other sign within the alignment corridor. If no physical evidence exists within the corridor for any of these segments (immediately prior to construction), then no further surveys shall be required.

    If determined necessary, protocol requires four nocturnal surveys between April 15 and July 15. The focused survey shall be able to determine if the area is actively utilized by the owls, or has been recently abandoned. Recommendations shall be provided by the biologist as part of the focused survey and shall be implemented by the City prior to issuance of a grading permit.

    Occupied burrows shall not be disturbed during the nesting season (February through August 31). If owls must be moved from the disturbance area, passive relocation techniques shall be used rather than trapping.

Contingency Mitigation Measure 12 has been added to the Mitigation Monitoring and Reporting Program to ensure avoidance of impacts to this species. Mitigation Measure 12 states:

12. Focused protocol level Quino Checkerspot surveys following the U.S. Fish and Wildlife Service interim guidelines shall be conducted during the spring of 1999 (adult flight season which extends from the first week in March to the last week in April) prior to construction of those portions of Segments A and B that contain the host plant for the Quino checkerspot butterfly. As indicated in the Quino checkerspot survey conducted for the project in 1998, within Segment A, the host plant is located on the hillside north of the Otay River and north of the existing dirt road in the open sage scrub immediately east of Rock Mountain. The host plant may also be located in the most westerly reach of Segment B adjacent to Dennery Ranch.

    The interim guidelines recommend that focused surveys for adults be conducted at least once a week, by biologists possessing a valid Section 10(a)(1)(A) recovery permit. The focused surveys shall be able to determine the presence or absence of the Quino checkerspot butterfly. Recommendations shall be provided by the biologist as part of the focused survey and shall be implemented by the City prior to issuance of a grading permit. It is anticipated that should the presence of occupied host plant be identified within the alignment corridor, the subject area shall be staked and avoided through project redesign.

Grading/Drainage/Hydrology

Construction of the proposed project would result in a potential impact to water quality if dewatering is required. This impact is considered significant.

1. No sediment-laiden dewatered solution shall be allowed to flow directly into the Otay River. If dewatering is required, temporary detention basins shall be constructed for dewatering activities to reduce the sediment load.

Paleontological Resources

Construction of the proposed project would result in impacts to potentially significant paleontological resources.

1. A qualified paleontologist should be at the pre-construction meeting to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. (A qualified paleontologist is defined as an individual with a MS or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological mitigation project supervisor in the county for at least one year.)

2. A paleontological monitor should be on-site on a full-time basis during the original cutting of previously undisturbed deposits of high sensitivity formations (Mission Valley Formation, Sweetwater Formation, Otay Formation, and San Diego Formation; see Table 1) to inspect exposures for contained fossils. The paleontological monitor should be on-site on a part-time basis to inspect cuts in low sensitivity formations (Quaternary Stream Terrace Deposits and Quaternary Alluvium). In the event that fossils are discovered in low sensitivity formations it may be necessary to increase the per/day field monitoring time. Conversely, if fossils are not being found in these rock units then the monitoring should be reduced. No mitigation or monitoring is necessary when grading in areas of zero sensitivity (Santiago Peak Volcanics). (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor should work under the direction of a qualified paleontologist.)

3. When fossils are discovered, the paleontologist (or paleontological monitor) should recover them. In most cases this fossil salvage can be completed in a short period of time. However, some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) should be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on the site.

4. Fossil remains collected during the monitoring and salvage portion of the mitigation program should be cleaned, repaired, sorted, and cataloged.

5. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, should be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. Donation of the fossils should be accompanied by financial support for initial specimen storage.

6. A final summary report should be completed that outlines the results of the mitigation program. This report should include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

Transportation/Circulation

Construction of the proposed project would result in alterations to present circulation movements including effects on existing public access to the MCA amphitheater.

1. Phasing and timing of construction of the pipeline in Otay Valley Road shall be scheduled so that access to the MCA amphitheater is not impeded immediately before, during, or after scheduled events.

Hazardous Materials

The proposed alignment will traverse areas with potential for soil contamination.

1. If health hazards or potential health hazards (related to hazardous materials or petroleum contamination) are encountered during pipeline trenching, all excavation activities in that area shall be stopped. The proper regulatory agency (i.e., the San Diego Regional Water Quality Control Board) shall be notified regarding the existing and/or potential hazards by the contractor and/or geotechnical environmental consultant. Excavation shall be put on hold until the regulatory agency deemed the site as no longer a potential health risk.

2. As a precautionary measure, consideration shall be given to provide air monitoring during the pipeline excavation proposed along the edge of Otay Valley Road. Monitoring shall be conducted by an experienced environmental consultant, and shall include, but not be limited to monitoring for volatile organics and semi-volatile organics from the western side of Brandywine Avenue east to Nirvana Avenue.