

RESOLUTION NUMBER R- 296341

ADOPTED ON APR 15 2002

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 91-0722, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Construction of Sewer and Water Group Job 616.

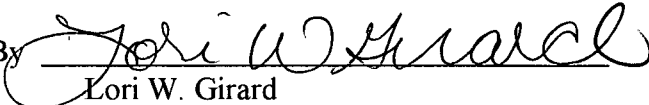
BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said LDR No. 91-0722 Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby 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, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By 
Lori W. Girard
Deputy City Attorney

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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SEWER GROUP JOB 616, CAPITAL IMPROVEMENT PROJECT NO. 44-303.8

LDR NO. 91-0722

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 91-0722) shall be made conditions of SEWER GROUP JOB 616, CAPITAL IMPROVEMENT PROJECT NO. 44-303.8 as may be further described below.

Biological Resources

1. Prior to the first preconstruction meeting and the commencement of construction grading which affects on-site non-native annual grasslands and lemonadeberry-dominated chaparral, the City of San Diego Engineering & Capital Projects Department shall submit verification that a qualified project biologist has been retained to oversee all construction within Dove and Curlew Canyons and the implementation of the mitigation plan. The project biologist shall have experience preparing and monitoring such mitigation plans in San Diego County and shall be acceptable to the Environmental Review Manager (ERM) of Land Development Review. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.
2. Prior to the first preconstruction meeting and the commencement of construction grading which affects on-site eucalyptus woodland, the ERM shall verify that the following notes are shown on the plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR DURING THE RAPTOR BREEDING SEASON, BETWEEN FEBRUARY 1 AND AUGUST 15, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ENVIRONMENTAL REVIEW MANAGER OF LAND DEVELOPMENT REVIEW:

- A. A QUALIFIED BIOLOGIST SHALL SURVEY ALL EUCALYPTUS WOODLAND WITHIN THE CANYON PORTIONS OF THE PROJECT FOR THE PRESENCE OF RAPTOR NESTS. THIS SURVEY SHALL BE

CONDUCTED IMMEDIATELY PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION DURING THE RAPTOR BREEDING SEASON. IF ACTIVE RAPTOR NESTS ARE IDENTIFIED WITHIN THE PROJECT AREA, THEN CONSTRUCTION ACTIVITY SHALL BE DIVERTED SO AS TO AVOID DIRECT LOSS OF THE IDENTIFIED NEST UNTIL THE END OF THE RAPTOR BREEDING SEASON (AUGUST 16TH). ADDITIONALLY, AN APPROPRIATE IMPACT AVOIDANCE BUFFER AREA SHALL BE DETERMINED BY THE BIOLOGIST AND FLAGGED OFF SO AS TO AVOID INDIRECT NESTING DISTURBANCE DURING THE RAPTOR BREEDING SEASON.

- B. IF RAPTOR NESTS ARE NOT DETECTED DURING THE INITIAL SURVEY, THEN CONSTRUCTION MAY PROCEED AND NO ADDITIONAL MITIGATION MEASURES WOULD BE NECESSARY THROUGH THE REMAINDER OF THE RAPTOR BREEDING SEASON.
3. Prior to the first preconstruction meeting and the commencement of construction grading which affects on-site non-native annual grasslands and lemonadeberry-dominated chaparral, the City of San Diego Engineering & Capital Projects Department shall prepare detailed revegetation/restoration plans and specifications, satisfactory to the ERM. The plans and specifications must be found to be in conformance with the *Revegetation Plan for the Group Job 616 Rehabilitation, Abandonment, and Installation of Sewer Main* prepared by EDAW, Inc. on October 10, 2001, the requirements of which are summarized below.
- a. RESTORATION GOAL: The project shall mitigate for temporary impacts to 0.38 acre of non-native annual grassland and 0.07 acre of lemonadeberry-dominated chaparral habitats through the revegetation of such temporary impacts immediately following the completion of construction. Lemonadeberry-dominated chaparral species to be included in the revegetation scheme shall include lemonadeberry (*Rhus integrifolia*), laurel sumac (*Malosma laurina*), California sagebrush (*Artemisia californica*), flat-topped buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), deerweed (*Lotus scoparius*), California poppy (*Eschscholzia californica*), California everlasting (*Gnaphalium californicum*), and California barley (*Hordeum californicum*). Non-native annual grassland species to be included in the revegetation scheme shall include California poppy, California barley, arroyo lupine (*Lupinus succulentus*), California melic (*Melica imperfecta*), maiden clover (*Trifolium microcephalum*), and zorro fescue (*Vulpia myuros*).

In addition to restoring the vegetative and biological condition of impacted sensitive habitat areas, temporary impacts to non-sensitive areas (ornamental, ruderal, eucalyptus woodland) shall be recontoured and seeded with the non-native annual grassland seed mix for erosion control purposes. Erosion control measures

may also include the use of natural fiber matting, gravel bags, and rice straw wattles.

- b. RESPONSIBILITIES: The revegetation plan shall be implemented by a qualified firm holding a landscape contractor's license. The Revegetation Contractor shall be able to demonstrate experience installing and maintaining at least three successful native habitat revegetation projects in southern California. The Revegetation Contractor shall be responsible for all grading and contouring, clearing and grubbing, installation of plant materials and native seed mixes, and any necessary maintenance activities or remedial actions required during installation, the 120-day plant establishment period, and the long-term maintenance and monitoring period as described in the revegetation plan referenced above.

A qualified Biologist shall be retained by the City of San Diego Engineering & Capital Projects Department to supervise the revegetation process. The Biologist shall have a formal educational background in biology, landscape architecture, horticulture, or related field and shall have at least two years successful experience supervising native habitat restoration projects in southern California. The Biologist shall be responsible for monitoring the revegetation effort, and for preparing interim and annual reports describing the status of the effort. The Biologist also shall assist the City of San Diego Engineering & Capital Projects Department and Contractor with any decisions regarding the need for specific treatments and/or remedial actions.

A minimum three-year maintenance and monitoring program is incorporated into the *Revegetation Plan for the Group Job 616 Rehabilitation, Abandonment, and Installation of Sewer Main*. The maintenance and monitoring program for the revegetation area, including weed eradication, supplemental irrigation and replanting (if required) shall be the responsibility of the City of San Diego Engineering & Capital Projects Department. If performance criteria are not achieved within the three-year monitoring period, remedial measures shall be implemented as required and monitoring shall continue in annual increments as necessary.

- c. BIOLOGICAL MONITORING REQUIREMENTS: All biological monitoring shall be conducted by a qualified biologist as described above. Monitoring shall involve qualitative horticultural monitoring in the upland revegetation areas. Horticultural monitoring shall focus on soil conditions (e.g. moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g. invasive exotic) species, any significant disease or pest problems, and any erosion problems. An important feature of this monitoring is to coordinate the maintenance items and potential remedial measures during different stages of the revegetation.

After installation is complete, monitoring shall occur monthly during the 120-day Plant Establishment Period, quarterly during years one and two, and bi-yearly during year three.

Monitoring letter reports shall be prepared to document the completion of installation and the 120-day Plant Establishment Period. Letter reports shall also be prepared at the mid-year and annual points during years one, two, and three. The letter reports shall review maintenance activities, monitoring results including progress of the revegetation relative to the success standards, and the need for any remedial measures. Annual reports shall also include photographs taken from permanent viewpoints. Three copies of each letter and report shall be submitted to the Mitigation Monitoring Coordination Section (MMC) of Land Development Review.

- d. PERFORMANCE CRITERIA: The performance standards for the revegetation effort are as follows:

End of Year One:

Lemonadeberry-dominated Chaparral

- 95% survival of container plants
- Minimum 65% germination of seeded species
- Minimum 20% Native cover
- No bare areas over 25 square feet
- No targeted invasive exotic species
- No erosion

Non-native Annual Grassland

- Minimum 80% germination of seeded species
- Minimum 60% cover (seeded and volunteer)
- No bare areas over 10 square feet
- No targeted invasive exotic species
- No erosion

End of Year Two:

Lemonadeberry-dominated Chaparral

- 90% survival of container plants
- Minimum 85% germination of seeded species
- Minimum 45% Native cover
- No bare areas over 25 square feet
- No targeted invasive exotic species
- No erosion

Non-native Annual Grassland

- Minimum 80% germination of seeded species
- Minimum 90% cover (seeded and volunteer)
- No bare areas over 10 square feet
- No targeted invasive exotic species
- No erosion

End of Year Three:

Lemonadeberry-dominated Chaparral

- 90% survival of container plants
- Minimum 85% germination of seeded species
- Minimum 70% Native cover
- No bare areas over 25 square feet
- No targeted invasive exotic species
- No erosion

Non-native Annual Grassland

- Minimum 80% germination of seeded species
- Minimum 90% cover (seeded and volunteer)
- No bare areas over 10 square feet
- No targeted invasive exotic species
- No erosion

e. MAINTENANCE REQUIREMENTS:

120-Day Plant Establishment - The Revegetation Contractor shall be responsible for the maintenance of the mitigation areas for a minimum period of 120 days. Maintenance activities shall include, at a minimum, all items described in the *Revegetation Plan for the Group Job 616 Rehabilitation, Abandonment, and Installation of Sewer Main*. At the end of this period, the MMC of Land Development Review shall review the mitigation areas with the Revegetation Contractor, the Biologist and the City of San Diego Engineering & Capital Projects Department to determine the completion of the Plant Establishment Period. Any punch-list items developed during this review shall be completed by the Revegetation Contractor prior to acceptance of the mitigation installation and initiation of the three-year maintenance and monitoring period.

Three-Year Maintenance and Monitoring Program - Maintenance activities shall include all items described in the *Revegetation Plan for the Group Job 616 Rehabilitation, Abandonment, and Installation of Sewer Main*. Plant replacement shall be conducted as recommended by the Biologist's technical assessment.

- f. NOTIFICATION OF COMPLETION: At the end of year three, a final report shall be submitted to the ERM and MMC of Land Development Review evaluating the success of the mitigation. The report shall make a determination of whether the requirements of the mitigation plan have been achieved. If the final report indicates that the mitigation has been in part, or as a whole, unsuccessful, the City of San Diego Engineering and Capital Projects Department shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original mitigation program which were not successful. The Engineering & Capital Projects Department understands that agreed upon remedial measures may result in extensions to the long-term maintenance and monitoring period.

Paleontological Resources

4. Prior to the first preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. **THE LETTER OF VERIFICATION SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.**
5. **PRIOR TO THE FIRST PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE PROJECT DRAWINGS.**
6. Prior to beginning construction (any work on site), the applicant shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and a representative from the Mitigation Monitoring Coordination Section (MMC) of LDR. The qualified paleontologist shall attend the Preconstruction Meeting to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor.

AT THE PRECONSTRUCTION MEETING, THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11x17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. **THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**

7. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of

10 feet or greater and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist provided they contact MMC and consult with appropriate LDR staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource sensitivity at depths of 10 feet or greater as detailed on the plans or in the contract documents for Drawing No. 26603-01-D thru 26603-25-D. **It is the contractor's responsibility to keep the monitors up-to-date with current plans.**

8. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (RE) SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE PALEONTOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**
9. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility to MMC. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
10. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
11. Within three months following the completion of grading/trenching, two copies of a monitoring results report (even if negative) and/or evaluation report, if applicable, which describe the results, analysis, and conclusions of the paleontological monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.