

RESOLUTION NUMBER R- 297262

ADOPTED ON NOV 12 2002

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 No. LDR 41-0629, on file in the office of the City Clerk, 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 reviewed and considered by this Council in connection with the approval of the construction of Black Mountain Road-Gap Reclaimed Pipeline System.


BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk as Document No. RR-297262-1 and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk as Document No. RR-297262-2 and incorporated herein by reference, with respect to the project.

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 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 
John F. Kirk
Deputy City Attorney

JFK:jab
10/28/02
Or.Dept:Water
R-2003-499
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

LDR NO. 41-0629

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 Final Environmental Impact Report (LDR No. 41-0629) shall be made conditions of project approval as may be further described below.

LAND USE

- LU-1 Prior to the first preconstruction meeting for each phase of the Project, the ERM shall verify that the following mitigation measures are incorporated into the construction specifications and plans:
- LU-1a The MHPA boundary shall be clearly marked on construction drawings provided to the contractor and shown as a "no construction zone."
 - LU-1b Prior to initiation of construction-related activity, the Biologist shall oversee installation of temporary fencing along MHPA boundaries adjacent to construction/staging areas. Such fencing shall be clearly shown on construction drawings provided to the contractor.
 - LU-1c Vehicles shall use existing roads or identified routes to access the construction site. No unauthorized new or temporary access routes shall be constructed. All access routes shall be clearly marked (e.g., flagged, staked) prior to construction, and shown on construction drawings provided to the contractor.
 - LU-1d No storage of hazardous wastes or construction equipment/materials, parking, or other construction-related activities shall be allowed within or adjacent to the MHPA. These activities shall occur within the designated contractor staging areas as shown on the construction drawings provided to the contractor.
 - LU-1e The contractor shall ensure that fueling of equipment/vehicles occurs only within the designated contractor staging areas as shown on the construction drawings or on paved roadways at a minimum distance of 50 feet away from the MHPA. Appropriate catchment basins/devices shall be used to prevent the flow of fuel. Construction equipment shall be checked for leaks prior to operation and repaired as necessary.
- LU-2 Prior to approval of construction bid documents for the Black Mountain Storage Tank, the ERM shall verify that a site drainage plan has been prepared by a registered Civil Engineer and has been incorporated into the construction plans. Said plan shall direct surface runoff from all nonpermeable surfaces into storm drain inlets equipped with filtration devices or into detention basins for capture before its release into the MHPA, in compliance with the San Diego Basin Plan.

R-297262

VISUAL QUALITY

- Vis-1 Prior to the first preconstruction meeting for the Black Mountain Storage Tank, a landscape plan for the storage tank shall be prepared by a qualified Landscape Architect experienced in southern California native plant materials, and shall be reviewed and approved by the Landscape Section of the City's DSD. The landscape plan shall emphasize the use of native shrubs with non-invasive root systems such as Mexican elderberry (*Sambucus mexicana*), laurel sumac (*Malosma laurina*), and toyon (*Heteromeles arbutifolia*) around the base of the storage tank to partially screen the structure.
- Vis-2 Prior to approval of funding for advertisement of Phase III construction documents, the Water Department shall submit site design plans for the Phase III underground pump station in the Carmel Mountain Golf Course to the ERM for environmental review. The ERM shall verify that the vent structure is not located in a visually obtrusive location and that aesthetic treatment is incorporated, as needed. If not, a subsequent CEQA document shall be completed by LDR and approved by the appropriate City decision maker at the time of award of the Phase III Pump Station construction contract.

RECREATION

- Rec-1 Prior to approval of funding for advertisement of Phase III construction documents, the Water Department shall submit pump station and storage tank plans to the ERM for environmental review. The ERM shall verify that said plans show these features located outside areas of active play within Carmel Mountain Golf Course. If not, a subsequent CEQA document shall be completed by LDR and approved by the appropriate City decision maker at the time of award of the Phase III Pump Station and Storage Tank construction contracts.

GEOLOGY/SOILS

- Geo-1 Prior to the first preconstruction meeting for the Gap Pipeline, the ERM shall verify that the applicable recommendations presented in Sections 6 and 7 of the Allied Geotechnical Engineers, Inc. (July 18, 2002) geotechnical investigation are incorporated into the construction specifications and plans. These recommendations address cut-and-cover construction, soil and excavation characteristics, pipe loads and settlement, trench backfill, placement and compaction of backfill, temporary shoring, construction dewatering, and treatment of unusual subsurface conditions.
- Geo-2 Prior to the first preconstruction meeting for the Canyonside Pump Station, the ERM shall verify that the applicable recommendations presented in Chapter 8 of the TerraCosta Consulting Group (November 6, 2001) geotechnical investigation are incorporated into the construction specifications and plans. These recommendations address site preparation, grading, excavation and shoring requirements, transformer pad construction requirements, pump station construction requirements, seismic design parameters, and preliminary pavement design.
- Geo-3 Prior to the first preconstruction meeting for the Black Mountain Storage Tank, the ERM shall verify that the applicable recommendations presented in Chapter 8 of the Geotechnics, Inc. (November 16, 2001) geotechnical investigation are incorporated into the construction specifications and plans. These recommendations address plan review, excavation and grading observations, earthwork, slope stability, surface drainage, foundation recommendations, earth retaining structures, pipelines, exterior slabs, pavements, reactive soils, and soil corrosivity.

- Geo-4 Prior to approval of funding for advertisement of Phase II construction documents, geotechnical investigations shall be completed for Segments 7, 10B, 10C, 15, and 16 to evaluate potential geologic impacts and determine appropriate mitigation measures, if necessary. The Water Department shall submit the subsequent geologic studies to the ERM for environmental review. The ERM shall verify that these projects avoid geologic impacts either by design or incorporation of mitigation measures. If not, a subsequent CEQA document assessing the impacts and identifying compensatory mitigation measures shall be completed and approved by the appropriate City decision maker at the time of award of the construction contracts.
- Geo-5 Prior to approval of funding for advertisement of Phase III construction documents, geotechnical investigations shall be completed to evaluate potential geologic impacts and determine appropriate mitigation measures, if necessary. The Water Department shall submit the subsequent geologic studies to the ERM for environmental review. The ERM shall verify that these projects avoid geologic impacts either by design or incorporation of mitigation measures. If not, a subsequent CEQA document assessing the impacts and identifying compensatory mitigation measures shall be completed and approved by the appropriate City decision maker at the time of award of the construction contracts.

PALEONTOLOGICAL RESOURCES

- Paleo-1 **LDR Plan Check**
Prior to the first preconstruction meetings for the Gap Pipeline and Canyonside Pump Station, the ERM shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents.
- Paleo-2 **Letters of Qualification**
Prior to the first preconstruction meetings for the Gap Pipeline and Canyonside Pump Station, the Water Department shall provide a letter of verification to the ERM and MMC stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program for the Gap Pipeline and Canyonside Pump Station.
- Paleo-3 **Second Letter Containing Names of Monitors**
- Paleo-3a At least 30 days prior to the preconstruction meeting for the Gap Pipeline and the Canyonside Pump Station, a second letter shall be submitted to MMC by the Water Department which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the paleontological monitoring of the Project.
- Paleo-3b MMC shall provide Plan Check with a copy of both the first and second letter.
- Paleo-4 **Records Search Prior to Preconstruction Meeting**
At least thirty days prior to the preconstruction meetings for the Gap Pipeline and the Canyonside Pump Station, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum or other institution, or if the record search was in-house, a letter of verification from the PI stating that the search was completed.

Paleo-5 Paleontologist Shall Attend Preconstruction Meetings

Paleo-5a Prior to beginning any work that requires monitoring, the Water Department shall arrange a preconstruction meeting that shall include the Paleontologist, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), and MMC. The qualified Paleontologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the CM and/or Grading Contractor.

Paleo-5b If the Paleontologist is not able to attend the Gap Pipeline and Canyonside Pump Station preconstruction meetings, the RE shall schedule a focused preconstruction meeting for MMC, Paleontological Monitors, CM and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

Paleo-6 Identify Areas to be Monitored

At the preconstruction meeting for the Gap Pipeline and the Canyonside Pump Station, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.

Paleo-7 When Monitoring Will Occur

Prior to the start of work on the Gap Pipeline or Canyonside Pump Station, the Water Department shall submit a construction schedule to MMC through the RE and Paleontologist, indicating when and where paleontological monitoring is to begin, and shall notify MMC of the start date for monitoring.

Paleo-8 Paleontological Monitoring During Grading/Excavation

The qualified Paleontologist 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 more, and shall document activity via the Consultant Site Visit Record (form). This form shall be sent to the RE each month. The RE shall forward copies to the ERC and MMC.

Paleo-9 Monitoring Trenches of Mainline, Laterals, and all Appurtenances

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate paleontological resource sensitivity at depths of 10 feet or greater, as detailed on the plans or in the contract documents (identified by drawing number or plan file number). *It is the Contractor's responsibility to keep the Paleontologist Monitors up-to-date with current plans.*

Paleo-10 Discoveries

Paleo-10a *Minor Paleontological Discovery*

In the event of a minor paleontological discovery (e.g., small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, ERC, and MMC that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist shall continue to monitor the area and immediately notify the RE, ERC, and MMC if a potential significant discovery emerges.

Paleo-10b *Significant Paleontological Discovery*

In the event of a significant paleontological discovery, and when requested by the Paleontologist, the City RE, Project RE, and ERC shall be notified and shall divert, direct, or temporarily halt construction 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 PI level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff shall coordinate with appropriate LDR staff.

Paleo-11 Night Work

Paleo-11a If night work is included in the Gap Pipeline or Canyonside Pump Station contract:

(1) the extent and timing of paleontological monitoring shall be presented and discussed at the Gap Pipeline and Canyonside Pump Station preconstruction meetings by the Paleontologist.

(2) the following procedures shall be followed:

(a) **No Discoveries**

In the event that nothing was found during the night work, the PI shall record the information on the Site Visit Record Form.

(b) **Minor Discoveries**

All minor discoveries shall be processed and documented using the existing procedures under Mitigation Measure 10a, with the exception that the Paleontologist shall notify the RE, ERC, and MMC by 9:00 AM the following morning.

(c) **Potentially Significant Discoveries**

If the PI determines that a potentially significant discovery has been made, the procedures under Mitigation Measure 10b shall be followed, with the exception that the Paleontologist shall notify the RE, ERC, and MMC by 8:00 AM the following morning to report and discuss the findings.

Paleo-11b If night work becomes necessary during the course of construction of the Gap Pipeline or Canyonside Pump Station:

(1) The CM shall notify the RE a minimum of 24 hours before the work is to begin.

(2) The RE shall notify the ERC and MMC immediately.

(3) All other procedures described above shall apply, as appropriate.

Paleo-12 Notification of Completion

The Paleontologist shall notify the RE, the ERC, and MMC of the end date of monitoring.

Paleo-13 Letter of Acceptance from Local Qualified Curation Facility

The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City Paleontological Guidelines. The Paleontologist shall be responsible for submittal of a letter of acceptance to the ERC and ERM from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.

Paleo-14 If Fossil Collection is not Accepted, Contact LDR for Alternatives

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 the ERC and ERM to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.

Paleo-15 Recording Sites with San Diego Natural History Museum

The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

Paleo-16 Final Results Report

- Paleo-16a Within three months following the completion of grading/trenching for the Gap Pipeline and the Canyonside Pump Station, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above paleontological monitoring program (with appropriate graphics) shall be submitted to the ERC and MMC for approval by the ERM, and one additional copy shall be sent to the RE.
- Paleo-16b MMC shall notify the RE of receipt of the Final Results Report.
- Paleo-17 For Segments 7, 10B, 10C, 15, and 16, paleontological monitoring as stipulated in measures Paleo-1 through 16 shall be required during construction in geologic formations with a high to moderate paleontological sensitivity rating and 10 feet or greater excavation depth. The areas to be monitored shall be based on geologic investigations completed prior to grading (Mitigation Measure Geo-4).
- Paleo-18 Paleontological monitoring as stipulated in measures Paleo-1 through 16 shall be required during construction in geologic formations with a high to moderate paleontological sensitivity rating and 10 feet or greater excavation depth. The areas to be monitored shall be based on geologic investigations completed prior to grading (Mitigation Measure Geo-5).

HYDROLOGY/WATER QUALITY/SEDIMENTATION

- Hydro-1 Prior to the first preconstruction meeting for each phase of the Project, the ERM shall verify that a SWMP is incorporated into the construction specifications and plans. Copies of the SWMP shall be retained at the construction site and at the Water Department. The construction specifications shall include the San Diego Municipal Code (Chapter 4, Article 3, Division 3, Section 43.0305), and the Water Department General Design Guidelines and Standards (Book 4, Division 1) and Standard Specifications (Section 01060, Parts 1.3.D and 3.3; and Section 01560, Parts 1.6 and 7-8.6.1).

BIOLOGICAL RESOURCES

- Bio-1 Prior to the first preconstruction meeting for each phase of the Project, the ERC shall submit a letter to MMC for logging and distribution to the ERM verifying that a qualified Biologist has been retained to implement the biological resources mitigation program (including mitigation measure LU-1). The Biologist shall attend the first preconstruction meeting and discuss the biological resources mitigation program with the RE, CM, and construction crews.
- Bio-2 During the spring in the year preceding award of construction contracts for each phase of the Project, the ERC shall submit a report from a qualified Biologist to MMC for logging and distribution to the ERM summarizing the results of surveys for narrow endemic plant species in areas where native habitats would be impacted. If narrow endemic species are present within native habitats to be impacted, a subsequent CEQA document assessing the impacts and identifying compensatory mitigation measures shall be completed by LDR and approved by the appropriate City decision maker at the time of award of construction contracts.

Bio-3 Prior to the start of construction for each phase of the Project, the qualified Biologist shall delineate the "limits of disturbance" as shown on construction plans provided to the Contractor. All construction-related activity including, but not limited to, clearing; grubbing; grading; excavation; stockpiling of excavated material; and storage of materials, equipment, and vehicles shall be limited exclusively to the areas identified within the "limits of disturbance" or designated staging areas. The Biologist shall provide a letter with photos to the ERC and MMC for logging and distribution to the ERM verifying that the "limits of disturbance" have been delineated as shown on the construction plans.

Bio-4 Prior to the first preconstruction meeting for each phase of the Project, the ERM shall verify that the following statement is included in the construction specifications: No clearing, grubbing, grading, or other construction activities within or adjacent to the MHPA 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 ERM:

Bio-4a A qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 dBA L_{eq} (hourly average) for the presence of gnatcatcher. Gnatcatcher surveys shall be conducted pursuant to U.S. Fish and Wildlife Service protocol survey guidelines a minimum of four weeks (within the breeding season) prior to commencement of construction. If gnatcatchers are present, then the following conditions must be met:

- Between March 1 and August 15, no construction activities shall occur within any portion of the site where such activities would result in noise levels exceeding 60 dBA L_{eq} (hourly average) at the edge of occupied gnatcatcher habitat. An analysis showing that construction-generated noise would not exceed 60 dBA L_{eq} (hourly average) at the edge of occupied habitat must be completed by a qualified Acoustician (possessing current noise engineer license or registration, with experience monitoring noise levels for listed animal species) and approved by the ERM at least two weeks prior to commencement of construction activities; OR
- At least two weeks prior to commencement of construction activities, and under the direction of a qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that construction-generated noise shall not exceed 60 dBA L_{eq} (hourly average) at the edge of occupied gnatcatcher habitat. Concurrent with commencement of construction activities and with implementation of necessary noise attenuation measures, noise monitoring¹ shall be conducted at the edge of occupied habitat to ensure that construction-generated noise does not exceed 60 dBA L_{eq} . If the noise attenuation measures implemented are determined to be inadequate by the qualified Acoustician or Biologist, then

¹Noise monitoring shall continue 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 dBA Leq (hourly average) or to the ambient noise level if it already exceeds 60 dBA Leq. If not, other measures shall be implemented in consultation with the Biologist and the ERM, as necessary, to reduce construction-generated noise levels to below 60 dBA Leq or to the ambient noise level if it already exceeds 60 dBA Leq. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

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).

Bio-4b If gnatcatchers are not detected during the preconstruction survey within areas of the MHPA that would be subject to construction noise levels exceeding 60 dBA L_{eq} , the qualified Biologist shall submit substantial evidence to the ERM and applicable regulatory agencies demonstrating whether or not noise attenuation measures (e.g., berms, walls) are necessary between March 1 and August 15 as follows:

- If this evidence indicates the potential is high for gnatcatcher to be present based on historical records or site conditions, then condition 4a 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.

Bio-5 Prior to the first preconstruction meeting for each phase of the Project, the ERM shall verify that the following statement is included in the construction specifications: No clearing, grubbing, grading, or other construction activities within or adjacent to potential least Bell's vireo habitat shall occur between March 15 and September 15 (least Bell's vireo breeding season) until the following requirements have been met to the satisfaction of the ERM:

Bio-5a 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 dBA L_{eq} (hourly average) for the presence of least Bell's vireo. Least Bell's vireo surveys shall be conducted pursuant to U.S. Fish and Wildlife Service protocol survey guidelines a minimum of eight weeks (within the breeding season) prior to commencement of construction. If least Bell's vireos are present, then the following conditions must be met:

- Between March 15 and September 15, no construction activities shall occur within any portion of the site where such activities would result in noise levels exceeding 60 dBA L_{eq} (hourly average) at the edge of occupied least Bell's vireo habitat. An analysis showing that construction-generated noise would not exceed 60 dBA L_{eq} (hourly average) at the edge of occupied habitat must be completed by a qualified Acoustician (possessing current noise engineer license or registration), with experience monitoring noise levels for listed animal species) and approved by the ERM at least two weeks prior to commencement of construction activities; OR
- At least two weeks prior to commencement of construction activities, and under the direction of a qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that construction-generated noise shall not exceed 60 dBA L_{eq} (hourly average) at the edge of occupied least Bell's vireo habitat. Concurrent with commencement of construction activities and with implementation of necessary noise attenuation measures, noise monitoring¹ shall be conducted at the edge of occupied habitat to ensure that construction-generated noise does not exceed 60 dBA L_{eq} (hourly average). If the noise attenuation measures 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).

Bio-5b If least Bell's vireos are not detected during the preconstruction survey within areas of potential habitat that would be subject to construction noise levels exceeding 60 dBA L_{eq} (hourly average) the qualified Biologist shall submit substantial evidence to the ERM and applicable regulatory agencies demonstrating whether or not noise attenuation measures (e.g., berms, walls) are necessary between March 15 and September 15 as follows:

- 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 5a 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.

Bio-6 Prior to the first preconstruction meeting for each phase of the Project, the ERM shall verify that the following statement is included in the construction specifications: No clearing, grubbing, grading, or other construction activities within or adjacent to potential southwestern willow flycatcher habitat shall occur between May 1 and September 1 (southwestern willow flycatcher breeding season) until the following requirements have been met to the satisfaction of the ERM.

Bio-6a 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 dBA L_{eq} (hourly average) for the presence of southwestern willow flycatcher. Southwestern willow flycatcher surveys shall be conducted pursuant to U.S. Fish and Wildlife Service protocol survey guidelines a minimum of six weeks (within the breeding season) prior to commencement of construction. If southwestern willow flycatcher are present, then the following conditions must be met:

- Between May 1 and September 1, no construction activities shall occur within any portion of the site where such activities would result in noise levels exceeding 60 dBA L_{eq} (hourly average) at the edge of occupied southwestern willow flycatcher habitat. An analysis showing that construction-generated noise would not exceed 60 dBA L_{eq} (hourly average) at the edge of occupied habitat must be completed by a qualified Acoustician (possessing current noise engineer license or registration, with experience monitoring noise levels for listed animal species) and approved by the ERM at least two weeks prior to commencement of construction activities; OR
- At least two weeks prior to commencement of construction activities, and under the direction of a qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that construction-generated noise shall not exceed 60 dBA L_{eq} (hourly average) at the edge of occupied southwestern willow flycatcher habitat. Concurrent with commencement of construction activities and with implementation of necessary noise attenuation measures, noise monitoring¹ shall be conducted at the edge of occupied habitat to ensure that construction-generated noise does not exceed 60 dBA L_{eq} (hourly average). If the noise attenuation measures 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 2).

Bio-6b If southwestern willow flycatchers are not detected during the preconstruction survey within areas of potential habitat that would be subject to construction noise levels exceeding 60 dBA L_{eq} (hourly average), the qualified Biologist shall submit substantial evidence to the ERM and applicable regulatory agencies demonstrating whether or not noise attenuation measures (e.g., berms, walls) are necessary between May 1 and September 1 as follows:

- If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition 6a 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.

Bio-7 Between September and May following completion of construction, all native habitat subject to temporary disturbance shall be restored (hydroseeded/revegetated) by a qualified Landscape Contractor using appropriate species and monitored by a Biologist for a period of 25 months in accordance with the City's Landscape Regulations. Prior to hydroseeding/planting, the Biologist shall review the restoration plans to ensure all species are compatible with surrounding native habitats - no exotic, invasive species shall be utilized. During hydroseeding/planting, the Biologist shall monitor the restoration work to ensure adequate coverage. At the end of the 25-month monitoring period, the ERC shall provide MMC (for logging and distribution to the ERM) a final report (with photos) prepared by the Biologist summarizing the results of the restoration efforts.

Bio-8 Prior to the first preconstruction meeting for Phase I, the ERC shall provide verification to MMC for logging and distribution to the ERM and MSCP Section that conservation credits equivalent to 0.54 acre of upland habitat have been assigned in the City's Marron Valley Cornerstone Lands Conservation Bank as mitigation for permanent impacts to Diegan coastal sage scrub from Phase I construction of the Black Mountain Storage Tank and Canyonside Pump Station.

Bio-9 Prior to the first preconstruction meeting for Phase II, detailed restoration plans and specifications for anticipated temporary impacts to coastal sage scrub and non-native grasslands, prepared per Attachment B of the City's Biological Guidelines, shall be reviewed and approved by the Landscape Section of the City's DSD. These restoration plans and the 5-year monitoring program would ensure long-term recovery of the temporarily impacted areas, as required by the City of San Diego Biological Guidelines. Between September and May following completion of construction, all native habitat subject to temporary disturbance (0.74 acre) shall be restored (hydroseeded/revegetated) by a qualified Landscape Contractor in accordance with the detailed restoration plan. Prior to hydroseeding/planting, the Biologist shall review the restoration plans to ensure all species are compatible with surrounding native habitats - no exotic, invasive species shall be utilized. During hydroseeding/planting, the Biologist shall monitor the restoration work to ensure adequate coverage. Upon completion of the restoration effort, the Biologist shall submit report certifying successful installation of hydroseed/plants and irrigation system, to the satisfaction of the ERM, thereby initiating the 5-year monitoring program.

Bio-10 Prior to the first preconstruction meeting for Phase II, the ERC shall provide verification to MMC for logging and distribution to the ERM and MSCP Section that

conservation credits equivalent to 0.14 acre of upland habitats have been assigned in the City's Marron Valley Cornerstone Lands Conservation Bank as mitigation for permanent impacts to Diegan coastal sage scrub and nonnative grassland from Phase II construction of Segment 7.

- Bio-11 Prior to approval of funding for advertisement of Phase II construction documents, the Water Department shall provide the ERM with construction plans and specifications for Segments 7 and 10B to verify that the construction corridors for these pipelines have been shifted to avoid direct impacts to riparian/wetland habitats. If not, a subsequent CEQA document assessing the impacts to these habitats and identifying compensatory mitigation measures shall be completed by LDR and approved by the appropriate City decision maker at the time of award of the construction contracts for Segments 7 and 10B.

TRAFFIC/CIRCULATION

- Traff-1 Prior to approval of funds for advertisement of construction plans for Segment 28 and the Poway Road portion of Segment 20, a detailed traffic analysis shall be reviewed and approved by the City Traffic Engineering Department to determine if nighttime construction is necessary along roadway segments with poor LOS during the day. Based on this analysis, the ERM shall verify that pipeline segments requiring nighttime construction (to avoid daytime traffic impacts) are identified in the construction bid documents and that a noise study is prepared by a qualified Acoustician to ensure no noise impacts to sensitive receptors would occur.

NOISE

- Noise-1 Prior to approval of construction bid documents for the Gap Pipeline (Segment 6A), the following statement shall be incorporated into the specifications, to the satisfaction of the ERM, for work scheduled between 7:00 PM and 7:00 AM:

For pipeline construction along Black Mountain Road adjacent to residences, the Water Department Public Information Section shall notify residents of the planned work schedule at least one week prior to the work. Notification shall include a list of designated temporary lodging facilities (including phone numbers) at which residents can arrange directly for overnight lodging, within a convenient distance of impacted residents, in the event that nighttime pipeline construction results in significant noise impacts. The Water Department shall reserve a sufficient number of rooms at local facilities to accommodate the maximum number of people that could be disturbed by nighttime construction for the specific reach of the pipeline under construction at any given time. Local temporary lodging may be designated at off-site motels/hotels. The Water Department shall pay only the cost of nightly lodging rates for residents relocated during the timeframe of nighttime construction along the specific reach adjacent to their homes, and relocated residents must show proof to the lodging facility of residency along Black Mountain Road at the time of occupancy. To ensure verification of residency, the Water Department Public Information Section shall provide the temporary lodging facilities with an updated list of names and addresses of residents who could potentially be impacted by nighttime construction near the specific intersections.

- Noise-2 Prior to approval of funding for advertisement of Phases II and III construction documents, noise studies shall be conducted by a qualified Acoustician to determine the feasibility of constructing temporary noise barriers between noise-sensitive receptors and construction activities for the Phase III Pump Station and Storage Tank and for the following segments in Phases II and III: 10C, 22, 23, 24, and 32. Noise studies shall be submitted to the ERM for review and approval. Recommendations of

the noise studies shall be incorporated into construction documents, as verified by the ERM, prior to the preconstruction meetings for these segments.

- Noise-3 Prior to approval of funding for advertisement of construction plans for the Phase III pump station, a noise study shall be prepared by a qualified Acoustician and submitted to the ERM for review and approval. Recommendations of the noise study shall be incorporated into construction documents, as verified by the ERM, prior to the preconstruction meetings for these segments.

HISTORICAL RESOURCES

Hist-1 LDR Plan Check

Prior to the first preconstruction meetings for the Canyonside Pump Station and Segments 7, 10B, and 20, the ERM shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

Hist-2 Letters of Qualifications

Prior to the first preconstruction meetings for the Canyonside Pump Station and Segments 7, 10B, and 20, the Water Department shall provide a letter of verification to the ERM stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program.

Hist-3 Second Letter Containing Names of Monitors

Hist-3a At least 30 days prior to the Canyonside Pump Station and Segment 7, 10B, and 20 preconstruction meetings, a second letter shall be submitted to MMC by the Water Department which shall include the name of the PI and the names of all persons involved in the archaeological monitoring of the Project.

Hist-3b MMC shall provide Plan Check with a copy of both the first and second letter.

Hist-4 Records Search Prior to Preconstruction Meeting

At least thirty days prior to the preconstruction meetings for the Canyonside Pump Station and Segments 7, 10B, and 20, the qualified Archaeologist shall verify that a records search has been completed and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the South Coast Information Center, or if the search was in-house, a letter of verification from the PI stating that the search was completed.

Hist-5 Archaeological Monitor Attend Preconstruction Meetings

Hist-5a Prior to beginning any work that requires monitoring, the Water Department shall arrange a preconstruction meeting that shall include the Archaeologist, CM and/or Grading Contractor, RE, and MMC. The qualified Archaeologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the CM and/or Grading Contractor.

Hist-5b If the Archaeologist is not able to attend the Canyonside Pump Station and Segment 7, 10B, and 20 preconstruction meetings, the RE shall schedule a focused preconstruction meeting for MMC, EAS staff, as appropriate,

Archaeological Monitors, CM and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

- Hist-6 Units of Measure and Cost of Curation**
Units of measure and cost of curation shall be discussed and resolved at the Canyonside Pump Station and Segment 7, 10B, and 20 preconstruction meetings prior to start of any work that requires archaeological monitoring.
- Hist-7 Identify Areas to be Monitored**
At the preconstruction meeting, the Water Department shall also submit a construction schedule to MMC through the RE and Archaeologist, indicating when and where archaeological monitoring is to begin, and shall notify MMC of the start date for monitoring.
- Hist-8 Archaeological Monitoring During Grading/Excavation**
The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE each month. The RE shall forward copies to the ERC and MMC.
- Hist-9 Monitoring Trenches of Mainline, Laterals, and all Appurtenances**
Monitoring of trenches is required for the mainline, laterals, services and all other appurtenances that impact native soils one foot deeper than existing, as detailed on the plans or in the contract documents (identified by drawing number or plan file number). *It is the Contractor's responsibility to keep the archaeological monitors up-to-date with current plans.*
- Hist-10 Discoveries**
- Hist-10a *Discovery Process***
In the event of a discovery, and when requested by the Archaeologist, or the PI if the Archaeological Monitor is not qualified as a PI, the RE shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The PI shall also immediately notify MMC and the ERC of such findings at the time of discovery. MMC shall coordinate with appropriate LDR staff.
- Hist-10b *Determination of Significance***
The significance of the discovered resources shall be determined by the PI in consultation with LDR and the Native American Community, if applicable. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery shall be allowed to resume.
- Hist-10c *Minor Discovery Process for Pipeline Projects***
For all projects: The following is a summary of the criteria and procedures related to the evaluation of **small historic deposits** during excavation for pipelines.
- (1) ***Coordination and Notification***
- (a) Archaeological Monitor shall notify the RE, or PI if monitor is not qualified as a PI, MMC, and the ERC.
- (b) MMC shall notify the Senior Planner in the Environmental Analysis Section (EAS) of DSD.

- (c) MMC shall coordinate all historic discoveries with the applicable Senior Planner, PI, ERC, and the RE, to determine the appropriate level of evaluation that should occur.
- (2) **Criteria used to Determine if it is a Small Historic Deposit**
 - (a) The deposit is limited in size both in length and depth; and,
 - (b) The information value is limited and is not associated with any other resources; and,
 - (c) There are no unique features/artifacts associated with the deposit.
 - (d) A preliminary description and photographs, if available, shall be transmitted to MMC and the ERC.
 - (e) MMC shall forward the information to EAS for consultation and verification that it is a small historic deposit.
 - (3) **Procedures for documentation, curation and reporting**
The following constitutes adequate mitigation of a small historic deposit to reduce impacts due to excavation activities to below a level of significance.
 - (a) 100% 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.
 - (b) The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - (c) If site significance can not be determined, the Final Results Report and Site Record (DPR Form 523A/B) shall identify the deposit as "potentially significant."
 - (d) The Final Results Report shall include a requirement for monitoring of any future work in the vicinity.

Hist-11 Human Remains

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

Hist-11a Notification

- (1) Archaeological Monitor shall notify the RE, PI if Monitor is not qualified as a PI, MMC, and the ERC. MMC shall notify the appropriate Senior Planner in EAS.
- (2) The PI shall notify the County Coroner after consultation with the RE and ERC, either in person or via telephone.

Hist-11b Isolation of discovery site.

- (1) The RE shall stop work immediately in the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the County Coroner in consultation with the PI and ERC concerning the origin of the remains and the cause of death.
- (2) The County Coroner, in consultation with the PI and ERC, shall determine the need for a field investigation to examine the remains and establish a cause of death.
- (3) If a field investigation is not warranted, the PI, in consultation with the County Coroner and ERC, shall determine if the remains are of Native American origin.

Hist-11c Native American Human Remains

- (1) The Coroner shall notify the Native American Historic Commission (NAHC). (By law, **ONLY** the Coroner can make this call.)
- (2) NAHC shall identify the person or persons it believes to be the Most Likely Descendent (MLD).
- (3) The MLD may make recommendations to the Water Department or PI responsible for the excavation work to determine the treatment, with appropriate dignity, of the human remains and any associated grave goods (PRC 5097.98).

Hist-11d *Non-Native American Human Remains*

- (1) The PI shall contact the NAHC and notify them of the historical context of the burial.
- (2) NAHC shall identify the person or persons it believes to be the MLD.
- (3) The MLD may make recommendations to the Water Department or PI responsible for the excavation work to determine the treatment of the human remains (PRC 5097.98).
- (4) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the Water Department, the NAHC and the Museum of Man.

Hist-11e *Disposition of Human Remains*

The Water Department, or his authorized representative, shall reinter the Native American human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface disturbance, IF:

- (1) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
- (2) 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.

Hist-12 Night Work

Hist-12a *If night work is included in the Canyonside Pump Station and Segments 7, 10B, or 20 contracts*

- (1) The extent and timing of archaeological monitoring shall be presented and discussed at the preconstruction meeting by the Archaeologist.
- (2) The following procedures shall be followed:
 - (a) ***No Discoveries***
In the event that nothing was found during the night work, the PI shall record the information on the Site Visit Record Form.
 - (b) ***Minor Discoveries***
All minor discoveries shall be processed and documented using the existing procedures under Mitigation Measure Hist-10c, for Small Historic Discoveries, with the exception that the PI shall contact MMC, and the ERC by 9:00 AM the following morning.
 - (c) ***Potentially Significant Discoveries***
If the PI determines that a potentially significant discovery has been made, the procedures under Mitigation Measure Hist-10c shall be followed, with the exception that the PI shall contact MMC and the ERC by 8:00 AM the following morning to report and discuss the findings.

Hist-12b If night work becomes necessary during the course of construction of the Canyonside Pump Station or Segment 7, 10B, or 20,

- (1) The CM shall notify the RE a minimum of 24 hours before the work is to begin.
- (2) The RE shall notify ERC and MMC immediately.
- (3) All other procedures described above shall apply, as appropriate.

Hist-13 Notification of Completion

The Archaeologist shall notify the RE, ERC, and MMC in writing of the end date of monitoring.

Hist-14 Handling and Curation of Artifacts and Letter of Acceptance

Hist-14a The Archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC and ERC; 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.

Hist-14b Curation of artifacts associated with the survey, testing and/or data recovery for this Project shall be completed in consultation with LDR and the Native American representative, as applicable.

Hist-15 Final Results Reports

Hist-15a Within three months following the completion of monitoring for the Canyonside Pump Station or Segments 7, 10B, or 20, two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to the ERC and MMC for approval by the ERM, and one additional copy shall be sent to the RE.

Hist-15b For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.

Hist-15c MMC shall notify the RE of receipt of the Final Results Report.

Hist-16 Recording Sites with State of California Department of Park and Recreation

The Archaeologist 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 Results Report.