(R-2004-1294)

RESOLUTION NUMBER R- 299287

ADOPTED ON JUN 0 7 2004

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 40-0165, 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 Mission Bay Boat Launching Facilities Project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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.

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 Shannon M Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:cdk
05/21/04
Or.Dept: Pk.&Rec.
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

LDR No. 40-0165

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. 40-0165) shall be made conditions of as may be further described below.

A. Biological Resources - Eelgrass

The eelgrass mitigation as previously specified in MND 40-1065 remains applicable as modified based on informal consultation with the California Department of Fish and Game on October 17, 2003 and the updated eelgrass survey prepared by Merkel & Associates dated August 18, 2003, "Pre-construction Eelgrass and *Caulerpa taxifolia* Surveys in Support of the Dana Landing and Santa Clara Boat Ramp Replacement projects" (M&A# 03-101-01), and the *Eelgrass Mitigation Program in Support of the Santa Clara and Dana Landing Dock Replacement Projects*, November 6, 2003 as revised January 5, 2004. (M&A# 03-101-02).

- The project scope, however, no longer includes in-water construction at Ski Beach, therefore, eelgrass mitigation is no longer required at Ski Beach.
- The eelgrass mitigation is now **applicable to** the proposed dock replacements at **Dana Basin** and **Santa Clara Point** as clarified below.

At Both Santa Clara Point and Dana Basin

- The pre-construction eelgrass survey is valid for 120 days (from August 18, 2003 to December 15, 2003).
- The survey must be updated prior to construction (if construction does not begin before December 15, 2003); and within 30 days following completion of construction.
- Final mitigation will be calculated from the pre- and post-construction surveys.
- The boundaries of the eelgrass habitat shall be delineated prior to construction to minimize potential for project activities to encroach on the eelgrass habitat.
- Construction activities are to be scheduled between October and March when eelgrass productivity is low. No in-water construction or dredging shall occur during the breeding season of the California least tern from April 1 through September 15.
- Vessels associated with project activities shall avoid anchoring over the delineated eelgrass habitat.

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- Construction activities shall be monitored to minimize eelgrass impacts.

Eelgrass Mitigation

In accordance with the Southern California Eelgrass Mitigation Policy and the Mission Bay Natural Resources Management Plan, eelgrass mitigation would normally occur at a ratio of 1.2:1. However, because project impacts would be mitigated through a withdrawal of credits from the City's Eelgrass Mitigation Bank, a 1:1 mitigation ratio would apply. The lower mitigation ratio is derived from the fact that eelgrass within the bank was established more than three years ago and is considered to be ecologically mature. Under this scenario, a total of 516 square feet of eelgrass credit would be required. The revised mitigation requirements are provided below in Table 1.

~~Therefore, the proposed dock work would result in creation of approximately 619 square feet (0.01 acre) of eelgrass habitat as summarized in the table.~~

~~Table 1: Project Impacts and Mitigation Requirements~~

~~*Project Site*~~	~~*Eelgrass with Survey Area (sq. ft.)*~~	~~*Estimated Project Impacts (sq. ft.)*~~	~~*Mitigation Ratio*~~	~~*Mitigation Requirement (sq. ft.)*~~
~~Santa Clara~~	~~19,462~~	~~152~~	~~1.2:1~~	~~182.4~~
~~Dana Landing~~	~~18,803~~	~~364~~	~~1.2:1~~	~~436.8~~
~~*Total*~~	~~**38,265**~~	~~**516**~~	~~--~~	~~**619.2**~~

Table 1: Project Impacts and Mitigation Requirements

Project Site	Eelgrass within Survey Area (sq. ft.)	Estimated Project Impacts (sq. ft.)	Mitigation Ratio	1.2:1 Mitigation Transplant Requirements (sq. ft.)	1:1 Mitigation Bank Requirements (sq. ft.)
Santa Clara	19,462	152	1.2:1	182.4	152
Dana Landing	18,803	364	1.2:1	436.8	364
Totals	**38,265**	**516**	**----**	**619.2**	**516**

~~Mitigation Site~~ Transplant Site

Project activity at Dana Landing would result in removal of a portion of the existing dock. The area directly below the dock has been subjected to constant shading which has precluded eelgrass growth. Once the existing dock is removed, a bare space (approximately 1,220 square feet (0.03 acre)) of plantable eelgrass area would be uncovered.. ~~If the proposed eelgrass transplant site fall short of mitigation requirements, credits may be extracted from the City's Eelgrass Mitigation Bank.~~

MITIGATION BANK CREDITS

Due to the small amount of impacts to eelgrass, the City has agreed to accept a withdrawal of credits from the Eelgrass Mitigation Bank as mitigation for the project. This option offers the most cost-effective approach to satisfying mitigation needs. An accounting of the amount of eelgrass available within the bank will be completed prior to the withdrawal of credits for project mitigation accomplished through field surveys of a portion of the existing bank.

Following completion of project mitigation, the City would then complete a small eelgrass transplant at the project site. At the end of a five year period, an eelgrass survey will be completed at the transplant site, and the amount of eelgrass present will be added back into the City's Eelgrass Mitigation Bank. The eelgrass transplant would not serve as project mitigation, but would prevent a loss of eelgrass available within the mitigation bank. The following text describes the location and methods for the eelgrass transplant.

Eelgrass Donor Sites

As described in the "Eelgrass Mitigation Program in Support of the Santa Clara and Dana Landing Dock Replacement Projects" Merkel and Associates Report Number M&A #02-101-02, (November 6, 2003 as revised January 5, 2004), eelgrass for transplantation ~~for the proposed eelgrass mitigation site~~ would be harvested from adjacent eelgrass within Mission Bay. These primary beds are located in Dana Basin adjacent to the proposed transplant site. An additional site across the channel at South Cove may also as needed. No more than 10% of the eelgrass within any donor bed may be harvested. Shoreline staging and work areas would be situated adjacent to the transplant site.

Eelgrass Transplantation

An eelgrass monitoring control site would be established in the eelgrass control area adjacent to the Santa Clara project site as described in the "Eelgrass Mitigation Program in Support of the Santa Clara and Dana Landing Dock Replacement Projects" Merkel and Associates Report Number M&A #02-101-02, (November 6, 2003 as revised January 5, 2004). The mitigation would utilize anchored bare-root transplant units with biodegradable and pliable anchors as defined in the Merkel report. Anchor collars must be sized appropriately such that rhizomes are held firmly, yet not substantially damaged by the collar. Each transplant unit will consist of 8-12 turions. A planting unit spacing of two-feet on center will be used. ~~In total, 154 planting units will be needed to plant the 619 square feet of bottom area.~~

Prior to commencing work, a letter of permission will be obtained from the California Department of Fish and Game (CDFG). A minimum five-day notification and a preliminary transplanting schedule will be given to CDFG, Army Corps of Engineers, National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Coastal Commission.

Bare-root material will be salvaged from the donor bed by "raking" rhizomes from the surface sediment layers and loosely filling a mesh bag with the salvaged material. Care will be taken to loose the rhizomes free as opposed to ripping plants from the sediment to preserve a maximum amount of root material. Collected material will be held in a flow-

through seawater source until it is processed into planting units. No material will be stored for over 8 hours from harvesting to unit preparation.

Eelgrass Planting

Planting specifications are defined as described in the "Eelgrass Mitigation Program in Support of the Santa Clara and Dana Landing Dock Replacement Projects" Merkel and Associates Report Number M&A #02-101-02, (November 6, 2003 as revised January 5, 2004). Specifications are summarized below.

Planting will be conducted by SCUBA divers working on a defined planting grid. Grid lines would not be emplaced permanently on the bottom due to boat traffic in the area; rather, corner points of the planting grid would be located with GPS and marked temporarily with buoys. Divers will stretch temporary planting lines between buoys. The planting grid will form the control baselines for both transplanting and monitoring work. Once the gridlines are placed, the lines will be used to direct divers' activities and to ensure that even plant coverage occurs along defined rows.

The plant material will be planted by excavating a hole in the sediments with a small trowel or by hand. The anchor will be planted parallel to the sediment surface and the root/rhizome bundle will be planted approximately 1 to 2 inches below the sediment surface. During planting, spot checks of the plantings will be made to ensure proper planting depth and firmness of the anchoring system.

Eelgrass Monitoring Program

Monitoring requirements are defined in the "Eelgrass Mitigation Program in Support of the Santa Clara and Dana Landing Dock Replacement Projects" Merkel and Associates Report Number M&A #02-101-02, (November 6, 2003 as revised January 5, 2004). Specifications are summarized below.

Baseline surveys were conducted on August 12, 2003 to establish pre-construction conditions. Within 30 days following completion of construction, a post-impact survey will be completed to determine the actual footprint of eelgrass impacts at the project sites. A comparison of this survey with the pre-impact baseline survey will be used to establish the final mitigation requirements and ~~obligations for restoration~~. The survey will establish the amount of plantable area and suitability of the Dana Landing site. Any eelgrass growing naturally within the mitigation site at the time of the post-construction survey will be subtracted from total plantable area at the site. The results of the post-construction survey will be submitted to the resource and regulatory agencies within 30 days of completion of the survey. The survey report will include recommendations for any changes to the restoration program, a restoration schedule, and an estimate of plantable area.

Eelgrass Monitoring

~~Upon completion of the planting effort, a monitoring program will be initiated and will continue for 60 months as required by the Southern California Eelgrass Mitigation Policy. Monitoring will be conducted along transects spaced at 10 meter intervals. The distribution of eelgrass will be mapped along each transect and all gaps in the bed which exceed three~~

~~feet in length will be noted. Along with the coverage measurements, no less than 10 shoot counts in the transplant area and 10 shoot counts in the control area will be taken using a 1/16 square meter quadrat.~~

~~The monitoring program will be conducted at intervals of 3, 6, 12, 24, 36, 48, and 60 months post-planting. When monitoring dates fall outside of normal eelgrass growing season (March – October), dates will be shifted to coincide with the growing season in order to ensure that valuable information on grown and survival is collected. For each monitoring, a summary report will be prepared and submitted to the resource and regulatory agencies within 30 days of completion of the monitoring survey.~~

~~Monitoring reports will summarize information form previous monitoring intervals, including numerical comparisons and graphic presentations of changing bed configurations. The monitoring reports will include an analysis of any declines or expansions in eelgrass coverage based on physical conditions of the site and individual plants, as well as any other significant observations made during the survey. Finally, the monitoring report will provide a prognosis for the future of the eelgrass bed and will identify the timing for the next monitoring period.~~

Because the transplant site will not be utilized to fulfill project mitigation, a 60 month (*i.e.*, 5 year) monitoring program will not be required. Rather, one qualitative monitoring will be completed immediately following the transplant effort to ensure that plants are well-secured and that the entire transplant site has been planted. At the end of 60 months (5 years), a quantitative monitoring will be completed to determine the total amount of eelgrass growing within the transplant site. Should the monitoring date fall outside of the normal eelgrass growing season (March-October), the date will be shifted to coincide with the growing season in order to ensure that valuable information on growth and survival is collected.

Monitoring will be conducted along transects spaced at 10m intervals. The distribution of eelgrass will be mapped along each transect and all gaps in the bed which exceed 3 feet in length will be noted. Along with the coverage measurements, no less than 10 shoot counts in the transplant area and 10 shoot counts in the control area will be taken using a 1/16 square meter quadrat. Monitoring will also be completed at the project control site.

A summary report will be prepared and submitted to the resource and regulatory agencies within 30 days of completion of the monitoring survey. The final monitoring report will summarize transplant information and will include an analysis of any declines or expansions in eelgrass coverage based on physical conditions of the site and individual plants, as well as any other significant observations made during the survey. Finally, the monitoring report will provide a prognosis for the future of the eelgrass bed and will provide a total acreage available for inclusion in the City's Eelgrass Mitigation Bank.

Success Criteria

Mitigation requirements will be satisfied through a withdrawal of credits from the City's Eelgrass Mitigation Bank at the time of project impacts. The eelgrass transplant will not be used for project mitigation and is not subject to criteria the success criteria outlined in the Southern California Eelgrass Mitigation Policy. The purpose of the 60 month survey will be to measure the amount of eelgrass available for banking.

~~Mitigation will be deemed successful when it has met the success criteria outlined in the Southern California Eelgrass mitigation Policy. Criteria for determination of transplant success will be based on a comparison of vegetation coverage (area) and density (leaf-shoots per square meter) between control area and the mitigation site. Extent of vegetation cover is defined as the area where eelgrass is present and where gaps in coverage are less than three feet between individual leaf shoot clusters. Density of shoots is identified as the number of leaf-shoots per square meter, as measured from representative areas within the control or transplated beds. Key success criteria are as follows:~~

- ~~A minimum of 70% areal coverage and 30% density achieved after the first year.~~
- ~~A minimum of 85% areal coverage and 70% density achieved after the second year.~~
- ~~A minimum of 100 percent areal coverage and 85% density achieved for the thrid, fourth, and fifth years.~~

~~Should the mitigation fail to meet the above success criteria, credits from the Mission Bay Eelgrass Mitigation Bank may be used. Should the control area fail or decline alongside the mitigation area for reasons outside of the control of the project, the applicant will not be held responsible for similar declines int he mitigation area.~~

B. Biological Resources - Birds

The following avian mitigation measures are required for all project activity at each of the four project locations: **Dana Basin, De Anza Cove, Santa Clara Point,** and **Ski Beach.**

1. No in-water construction or dredging shall occur during the breeding season of the California least tern (a federally listed, endangered bird) from April 1 through September 15. This construction timing limit has been agreed to by the project proponent.

2. Thirty days prior to the preconstruction meeting, a qualified biologist shall submit a report to MMC that determines the potential for sensitive bird species, including the California least tern, the Belding's Savannah Sparrow, and species protected under the Migratory Bird Treaty Act, to occur within or adjacent to the project impact area throughout the anticipated construction period. If any areas are identified as having the potential to be breeding, roosting, or foraging areas for such species, including the rip rap along the banks adjacent to the project site, a qualified biologist shall assist in identifying appropriate construction buffers and mitigation such as use of noise attenuating measures. If the Belding's Savannah Sparrow or the California least tern is found, construction would be halted for the duration of their migratory and breeding season (February 15 to September 15 for the sparrow and April 1 to September 15 for the tern).

C. Biological Resources - Tree Relocation

1. Relocation of the queen palm at Ski Beach shall be managed under the direction of a certified arborist to provide reasonable likelihood of a successful relocation and continued life of the tree.

D. Water Quality

The following water quality mitigation measures are required for removal and replacement of the piers for the work at **Dana Basin** and construction of the cut-off wall at **Dana Basin**.

1. Construction activities shall minimize the amount and duration of sediment disturbance. Prior to start of construction, a silt curtain/fence or other sediment/siltation control device approved by the Environmental Review Manager, shall be placed around the construction area to protect adjacent habitats and water quality. The design, placement selection, and installation shall be coordinated with the Resident Engineer, Construction Manager, project biologist, and the Environmental Review Manager to ensure the curtain is functional. Installation shall occur under the supervision of Mitigation, Monitoring, and Coordination (MMC) personnel.

2. The project biologist shall supervise placement of the silt fencing and/or other sediment control devices to ensure adequate protection of adjacent wetlands vegetation. The project biologist shall periodically monitor the silt fence and/or other sediment control devices during construction activities to ensure adequate protection of the functions and values of the wetland vegetation. Construction activity is not allowed without functional sediment control device(s) in place.

3. Apply mitigation measures from the Mission Bay EIR (page 4.C-42 - 4.C-45):

   - No in-water construction is permitted from April 1 through September 15.
   - Use noise reduction or low noise equipment to install the new piers.

- Obtain applicable regulatory permits (e.g., NPDES, Army Corps, Regional Water Quality Control Board, State Lands Commission, Coastal Commission) prior to commencement of work activity. Permits issued by these agencies may specify additional requirements for timing of in-water construction, spoil disposal methods, and/or sediment material testing.

- If sediment is determined through testing by a qualified expert to be unclean, to contain toxic material, or to be of poor quality, it shall be transported to a permitted landfill or otherwise used appropriately, rather than re-used or stockpiled.

The following water quality mitigation measures are required for all project activity at each of the four project locations: **Dana Basin, De Anza Conve, Santa Clara Point,** and **Ski Beach.**

4. Prior to the first preconstruction meeting or the commencement of any construction, the applicant shall provide a site plan (Exhibit "A") to the Environmental Review Manager of LDR for review and approval that identifies pre- and post-construction Best Management Practices (BMPs), prepared consistent with the City of San Diego Storm Water Standards.

5. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 and the Municipal Storm Water Permit, order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

6. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

7. All development, shall meet or exceed the stormwater standards of the State of California, and the most recent standards of the Regional Water Quality Control Board with regard to stormwater runoff, and any amendment to, or re-issuance therefore.

8. Prior to the first preconstruction meeting or the commencement of construction, the City Engineer shall verify that appropriate post-construction Best Management Practices (BMPs) will be incorporated into the project design, as depicted in Exhibit "A."

9. The grading plan shall also include a drainage system which provides for implementation of Best Management Practices (BMPs) on site to reduce construction phase runoff of pollutants into adjacent water courses and shall include the following:

Stormwater Pollution Prevention Measures

a. Perimeter protection BMPs must be installed and maintained, including inlet protection.

b. Sediment control BMPs must be installed and maintained.

c. BMPs to control sediment tracking must be installed and maintained at all entrances/exists.

d. Material needed to install standby BMPs necessary to completely protect the exposed portions of the site from erosion, and to prevent sediment discharges, must be stored on site. Areas that have already been protected from erosion using physical stabilization or established vegetation stabilization BMPs as described below are not considered to be "exposed" for the purposes of this requirement.

e. The owner/contractor must have an approved weather-triggered action plan which is defined as the ability to deploy standby BMPs as needed to completely protect the exposed portions of the site within 24 hours of prediction of a storm event. A predicted storm event is defined as a forecasted 40% chance of rain. On request, the owner/contractor must provide proof of this capability acceptable to the City Engineer.

f. All inactive graded areas shall be revegetated or protected to prevent erosion and sediment laden runoff from leaving the site. During grading and construction, activities in which areas are not protected, the owner/contractor must have an approved weather-triggered action plan as defined above.

g. Deployment of physical or vegetation erosion control BMPs must commence as soon as grading and/or excavation is completed for any portion of the site. The project proponent may not continue to rely on the ability to deploy standby BMP materials to prevent erosion of graded areas that have been completed.

h. The area that can be cleared or graded and left exposed at one time is limited to the amount of acreage that the owner/contractor can adequately protect prior to a predicted rainstorm as defined above.

i. Building materials such as concrete, stucco, paint, caulking, sealants, drywall plaster, roofing materials, and remnant trash/debris shall be removed daily for proper off-site disposal. A washout area shall be designated and maintained for such materials.

j. Designated storage areas area required for materials and wastes. No temporary disturbance or storage of material or equipment is permitted in environmentally sensitive lands, unless the disturbance or storage occurs within an area approved for development by a Site Development Permit or unless it can be demonstrated that the disturbance or storage will not alter the landform or cause permanent habitat loss and the land will be revegetated and restored in accordance with the *Biology Guidelines* in the Land Development Manual (SDMC 143.0140(d)).

k. Storage, service, cleaning, and maintenance areas for vehicles and equipment shall be identified and protected accordingly.

l. Properly-trained personnel in the area of storm water pollution prevention management must be on site daily to ensure compliance.

Erosion Control Measures

m. Provide a gravelbag silt basin immediately upstream of storm drain inlets.

n. For inlets located at sums adjacent to the tope of slopes, the contractor shall ensure that water drainage to the sump is directed into the inlet and that 1.00 feet freeboard exists and is maintained above the top of the slope.

o. The grading contractor shall be responsible for cleanout of silt and mud on adjacent streets due to construction activity.

p. The contractor shall check and maintain lined and unlined ditches after each rainfall.

q. The contractor shall remove silt and debris after each major rainfall and/or when silt reaches an elevation of 0.5 ' below weir openings for gravelbag and 0.5', below top of gravel mound for gravel dikes.

r. If permanent landscaping of slopes is not in place, the contractor shall protect the major slopes with gravelbags or silt fence along the tow of slopes. The contractor will be responsible for cleanup of silt and mud adjacent to the slopes due to erosion.

s. Provide velocity check dams in all graded channels at the following intervals:
- Less than 3%: 100 feet
- 3% - 6%: 50 feet
- over 6%: 25 feet

t. Graded pad areas shall be hydroseeded to prevent erosion in the event that construction of buildings does not occur within 30 days following grading. Provide temporary revegetation of all disturbed areas with non-irrigated hydroseed.

10. All of the environmental mitigation measures listed above shall be shown on the construction plans or referenced under the heading, "Environmental Requirements."