(R-2004-1390)
COR.COPY

RESOLUTION NUMBER R- 299380

ADOPTED ON JUN 2 8 2004

WHEREAS, the City of San Diego Water Department/CIP Program Management Division submitted an application to the City of San Diego for the construction of the Otay 2nd Pipeline Improvements – Cathodic Protection Phase [Project]; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on JUN 2 8 2004; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report [EIR], Project No. 5503 (EIR LDR No. 42-0955, SCH No. 2003011124); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report [EIR], Project No. 5503 (EIR LDR No. 42-0955, SCH No. 2003011124), 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 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 Project.

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 and incorporated herein by reference.

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 

Michael J. McGowan
Deputy City Attorney

MJM:lc
06/15/04
06/16/04 COR.COPY
Or.Dept: Water/CIP
R-2004-1390

R- 299380

MITIGATION MONITORING AND REPORTING PROGRAM
OTAY II PIPELINE IMPROVEMENTS PROJECT
(PROJECT NO. 5503)
SCH #2003011124

City of San Diego
Water Department
600 B Street, Suite 600, MS 906
San Diego, California 92101

May 2004

TABLE OF CONTENTS

R-299380

This page intentionally left blank.

MITIGATION MONITORING AND REPORTING PROGRAM
OTAY II PIPELINE IMPROVEMENTS PROJECT
(PROJECT NO. 5503)

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for the monitoring program, and when in the process it should be accomplished.

This MMRP is designed to ensure compliance with AB 3180 (1989) during implementation of mitigation measures. The City of San Diego Water Department and the Development Services Department (DSD) are jointly responsible for ensuring that this program is carried out. The following staff or sections within those departments are referenced below:

- Water Department Environmental Review Coordinator (ERC)
- Land Development Review (LDR) Division of DSD
- Mitigation Monitoring Coordination (MMC) Section within LDR
- LDR Environmental Review Manager (ERM)

The following is the MMRP for Phases I-VIII. For Phases I-VIII, performance standards (e.g., future studies, plans, CEQA documents) would be linked to the approval of funding for advertisement of construction documents. The mitigation measures shall be included in the specifications and contract documents under the heading "Environmental Requirements." The mitigation measures denoted by asterisk (*) shall also be noted on the project construction plans. Unless otherwise stated, preconstruction mitigation shall be the responsibility of the Water Department and all other mitigation shall be the responsibility of the construction contractor.

R-299380

This page intentionally left blank.

1. LAND USE

IMPACT:

Phase III

A conflict with the noise requirements of the adjacency guidelines would occur during Phase III construction in the vicinity of breeding areas for the California gnatcatcher. Conflict with the adjacency guidelines of the City of Chula Vista and/or City Subarea Plan is considered to be a significant impact.

Phase V

When plans for new locations and site design for facilities such as pipelines or a pump station are developed, further environmental review would be required to determine whether Phase V would entail any significant inconsistencies with applicable land use plans and ordinances.

If Phase V facilities are proposed within preserve lands or within areas outside of developed land that contain sensitive biological resources, then the project could result in significant conflicts with the City of Chula Vista and County MSCP Subarea Plans, as well as the County BMO. Considering the specific locations for Phase V are unknown at this time, additional environmental review would be required, as detailed plans become available, to determine whether Phase V would result in a conflict with any current planning process or adopted environmental plans or policies.

Phase VI

While it is not anticipated that future Phase VI realignment of the Otay II Pipeline to within planned roadways of Otay Ranch would significantly conflict with the Otay Ranch GDP, additional information is required to conclude that no significant impacts would occur. However, coordination between the relevant private Otay Ranch developer, the Water Department, and the City of Chula Vista must continue during the Otay Ranch GDP planning stages to ensure that adequate land use and environmental review within these jurisdictions is conducted regarding the Otay II Pipeline, and that any environmental permits are obtained.

Phase VIII

It is not anticipated that future replacement, rehabilitation, or realignment of pipeline in this phase would significantly conflict with the relevant community plans or San Diego PGGP, provided that the pipeline alignment is limited to existing roadways or developed areas such as parking lots. Phase VIII does have the potential to result in inconsistencies with the Southeast San Diego CP and the Skyline-Paradise Hills CP, should any future extension of the pipeline result in removal of structures or pass through open space areas that contain sensitive biological resources. Further design consideration should ensure that such impacts are avoided.

Any disturbance of riparian areas associated with the "replacement-in-place" option for Phase VIII south of SR-94 would be a significant conflict with the City MSCP Subarea Plan and the ESL Regulations. Considering the specific location for Phase VIII is unknown at this time, additional environmental review would be required, once detailed plans are available, to determine whether Phase VIII would result in a conflict with any current planning process or adopted environmental plans or policies.

MITIGATION:

Phases III, V, VI, and VIII

These mitigation measures apply to Phases III, V, VI, and VIII. The measures apply to Phase III for the purpose of ensuring consistency of construction activities with noise restrictions of the MSCP Subarea Plan.

*LU-1 Prior to approval of funding for advertisement of construction documents for Phases III, V, VI and VIII, the Water Department shall submit project plans to DSD for environmental review. If any of these phases is found to be inconsistent with applicable land use plans or policies, including the MSCP Subarea Plans of the respective jurisdictions, then a subsequent CEQA document assessing the impacts and identifying mitigation measures shall be completed and approved by the appropriate City decision-maker at the time of award of the construction contracts. Subsequent environmental review shall address, but not be limited to, the following performance standards:

- All project features shall avoid and minimize permanent direct impacts within MHPAs (significant conflicts with MSCP Subarea Plans) to the extent feasible. If permanent impacts within the MHPA are unavoidable, based upon an exhaustive analysis of feasible alternative locations, measures such as tunneling or rehabilitation of existing lines using a sliplining process shall be incorporated into the project design to minimize impacts. Mitigation for any remaining permanent MHPA impacts in Phases V and VI shall be determined in a subsequent environmental review process in coordination with the USFWS, CDFG, and the City of Chula Vista~~, and~~ or County of San Diego. For any remaining permanent impacts in Phase VIII, mitigation credits shall be debited from the Cornerstone Lands Conservation Bank.

- Measures to mitigate temporary grading impacts within the MHPAs shall include, but are not limited to, an appropriate combination of native habitat restoration and long-term monitoring/maintenance, mitigation credits debited from an established conservation bank, including the Cornerstone Lands Conservation Bank; and payment into a habitat acquisition fund. If temporary impacts to riparian habitats within the MHPA are proposed as part of either Phase V or VIII, a conceptual wetland mitigation plan shall be prepared for review and approval by the DSD as a part of environmental review.

- Measures to avoid and minimize permanent and temporary indirect impacts to sensitive resources within adjacent MHPAs shall include, but are not limited to, the following:

  - Prior to construction, a qualified biologist, as defined in the City's Biology Guidelines, shall oversee installation of orange construction fencing along the limits of grading, and grading shall not occur beyond this fencing. Construction crews shall be made fully aware of this boundary at an on-site preconstruction meeting.

  - Construction areas shall not drain directly into the MHPA. Construction BMPs shall include both erosion control measures (e.g., organic polymer tackifier) to prevent rainfall from contacting exposed soil surface, and sediment control measures (e.g., gravel bags) to prevent eroded material from leaving the construction area.

  - Construction vehicles shall not be stored in areas characterized by sensitive biological resources and shall be properly maintained to avoid leakage of toxic substances into the MHPA.

  - If nighttime lighting occurs, lighting should be directed away from the MHPA and shielded if necessary.

  - No invasive or non-native plant species should be planted in or adjacent to the MHPA. Native species shall be included in any erosion control and/or revegetation plans.

  - Due to the proximity of Phases III, V, and VIII to riparian and sensitive upland habitats, noise from construction may adversely impact the California gnatcatcher and least Bell's vireo. If possible, construction should be avoided during the breeding season of the California gnatcatcher (March 1st – August 15th) and least Bell's vireo (March 15th – September 15th). If grading is proposed during the breeding season, a survey for the appropriate species shall be conducted. If no California gnatcatcher or least Bell's vireo are identified, no additional measures would be required. If either species were identified, a noise attenuation program would be required. Please refer to mitigation measure BIO-1 for details of construction noise mitigation plan.

- Pump stations or any above ground facilities for Phase V shall be designed to avoid potential visual impacts to ensure that the project is consistent with local land use plans. Measures such as landscape screening, fencing, and limiting building heights shall be incorporated into the project design to avoid significant visual impacts.

R-299380

2. BIOLOGICAL RESOURCES

IMPACT:

Phase III

The minimal disturbance of sensitive habitat associated with the test stations, rectifiers, groundbeds, and span coatings would not be considered significant by the City's *Significance Determination Guidelines* for any potentially occurring vegetation community.

Phase III construction work involving installation of certain test stations and span coatings within or in proximity to identified coastal California gnatcatcher habitat and raptors would present noise conditions that could lead to potentially significant indirect impacts to such species.

Phase V

Additional biological review for this phase is required to determine if any significant impacts to sensitive biological resources would occur in association with construction of the proposed facilities.

Phase VIII

Replacement of the pipeline within the South Fork of Chollas Creek as a part of Phase VIII has the potential to involve significant impacts to riparian habitat and wetlands within the jurisdiction of the City, USACE, CDFG, and RWQCB. Phase VIII construction work within, or near, identified coastal California gnatcatcher habitat would present noise conditions that could lead to potentially significant indirect impacts to such species.

MITIGATION:

Phases III, V, and VIII

Prior to Approval of Funding

*BIO-1 Prior to approval of funding for advertisement of construction documents for Phases III, V, and VIII, the Water Department shall submit project plans and a Biological Survey Report to DSD; EAS will conduct an initial environmental review. If any of these phases is found to have potentially significant biological impacts not already addressed in this PEIR, then a subsequent CEQA document assessing the impacts and identifying mitigation measures shall be completed and approved by the appropriate City decision maker at the time of award of the construction contracts. Subsequent environmental review shall address, but not be limited to, the following performance standards:

- Surveys shall be conducted in accordance with the City of San Diego Guidelines for

Conducting Biology Surveys, and shall address biological survey requirements as outlined in Table 1 of the City's Biology Guidelines. Phase III surveys would be limited to updated surveys for the California gnatcatcher, Quino checkerspot butterfly, burrowing owl, Cooper's hawk and northern harrier, if valid surveys for these species have expired before construction is proposed.

- Activity planning and design shall incorporate all applicable biological mitigation measures including, but not limited to, completion of pre-construction seasonal sensitive plant surveys (including MSCP narrow endemics), pre-construction protocol sensitive avian surveys during the breeding season, seasonal and daylight construction timing restrictions, and habitat restoration of disturbed lands. Mitigation measures shall be in accordance with the most current version of the City's Biological Guidelines at the time the project is being reviewed and the City of Chula Vista's MSCP Subarea Plan, where applicable (pending approval of their Implementing Agreement with Wildlife Agencies).

- Conceptual revegetation plans shall be prepared in accordance with City Biology Guidelines for any revegetation proposed as mitigation.

Plan Check

*BIO-2 During Plan Check Review the Environmental Review Manager (ERM) shall verify that all applicable biological mitigation measures have been incorporated into the appropriate construction documents (e.g., Sheet 1 or 2, drawings, specifications, appendices) including, but not limited to: MMRP text; flagging of individual sensitive plants or groupings; delineation of MHPA boundaries, grading/temporary fencing limits, and "No Fueling" zones; and locations of noise monitoring stations, noise attenuation features (e.g., temporary walls, berms, shielding), BMPs, construction work areas, and staging areas.

At a minimum, the ERM shall verify that the following biological mitigation measures have been incorporated into the construction specifications:

- All construction-related activity including, but not limited to: clearing; grubbing; grading; excavation; stockpiling of excavated material; and storage of construction materials, equipment, and vehicles shall be limited exclusively to the areas identified within the "limits of grading/disturbance" or designated staging areas on the construction plans.
- No clearing, grubbing, grading, or other construction activities shall be permitted within the MHPA habitat occupied by sensitive avian species (including western snowy plover, southwestern flycatcher, least tern, cactus wren, least Bell's vireo, tricolored blackbird and California gnatcatcher identified inside the MHPA only), or other areas restricted from such activities that have been temporarily staked, flagged, or fenced under the supervision of a qualified biologist.

Prior to the First Preconstruction Meeting

*BIO-3 Prior to the first preconstruction meeting, a letter, which identities the qualified biologist(s) that have been retained to implement the biological resources mitigation program (including

R-299380

mitigation measure LU-1), shall be submitted to the Mitigation Monitoring Coordinator (MMC) for logging and distribution to the ERM.

*BIO-4 Prior to the first preconstruction meeting, a reduced (11x17) set of construction plans showing applicable biological mitigation measures (e.g., MMRP text, ESL, flagging of individual sensitive plants or groupings, MHPA boundaries, grading/temporary fencing limits, "No Fueling" zones, locations of noise monitoring stations and noise attenuation features, BMPs, construction work areas, and staging areas) shall be submitted to the MMC.

*BIO-5 Prior to the first preconstruction meeting, a qualified biologist shall review plans for the following activities to determine specific locations and times where a biological monitor is necessary to ensure wetland impacts do not exceed 0.01 acre and sensitive upland habitat impacts do not exceed 0.1 acre: installation of test stations and access roads (Phase III); protection of spans north of Otay River Valley (Phase III); rehabilitation of the span in the South Fork of Chollas Creek (Phase III); installation of pump station and pipelines in sensitive wetland or upland habitat (Phase V); and pipeline replacement in an urban canyon stream south of SR-94 (Phase VIII).

As required by the City's Biology Guidelines, the following impact avoidance areas must be observed during any construction that occurs within the MHPA as a part of Phase III: 300 feet from any nesting site of Cooper's hawk; 900 feet from any nesting sites of northern harriers; and 300 feet from any occupied burrow of burrowing owls.

Preconstruction Meeting

*BIO-6 A qualified biologist, the EPS, and the MMC shall be present at the preconstruction meeting to discuss the biological resources mitigation program with the Resident Engineer (RE), Construction Manager (CM), and contractor.

Prior to Start of Construction

*BIO-7 Prior to start of construction, an on-site tailgate meeting shall be scheduled. The meeting shall include the qualified biologist, MMC, Environmental and Permits Section (EPS), RE, CM, contractor, and grading/construction crew to review the biological resources mitigation program. The RE shall submit a construction schedule to the biologist, EPS, and MMC indicating when and where biological monitoring is to begin, and shall notify the biologist and MMC of the start date for monitoring.

*BIO-8 Where preliminary surveys reveal the potential need for seasonal surveys to be completed in order to determine the absence, presence, and (if present) the distribution of sensitive species, these surveys shall be performed prior to start of construction. Sensitive species surveys shall be conducted by qualified biologists in accordance with the most current accepted survey protocols, and submitted to DSD and MSCP (if applicable).

*BIO-9 Prior to start of construction, a qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) shall survey those habitat areas inside and outside the MHPA that would be subject to construction noise levels exceeding 60 dBA L_{eq} (hourly average)

for the presence of the following noise-sensitive avian species during breeding season: California gnatcatcher (no restriction outside the MHPA), least Bell's vireo, and southwestern willow flycatcher. Surveys shall be conducted pursuant to USFWS protocol survey guidelines.

- If any of the listed species are not present, then 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 during breeding season as follows:

  - If this evidence indicates the potential is high for the listed species to be present based on historical records or site conditions, then noise monitoring shall be adhered to as specified below.

  - If this evidence concludes that no impacts to the listed species are anticipated, no mitigation measures would be necessary.

- If any of the listed species are present, then the following conditions must be met:

  - At least two weeks prior to commencement of construction activities, an analysis showing that construction-generated noise would not exceed 60 dBA L_{eq} (or the ambient noise level if it already exceeds 60 dBA L_{eq}) at the edge of occupied habitat shall be completed by a qualified acoustician (i.e., possessing current noise engineer license or registration, with experience monitoring noise levels for listed animal species) and approved by the ERM.

  - If the analysis shows that construction-generated noise would exceed 60 dBA L_{eq} (or the ambient nose level if it already exceeds 60 dBA L_{eq}) at the edge of occupied habitat, noise attenuation measures shall be implemented.

*BIO-10 Prior to start of construction, a qualified biologist shall supervise placement of temporary construction fencing around the limits of grading/disturbance to protect adjacent ESL including sensitive upland and wetland habitat.

During Construction

*BIO-11 If noise attenuation measures are necessary to ensure that construction-generated noise does not exceed 60 dBA L_{eq} (or the ambient noise level if it already exceeds 60 dBA L_{eq}) at the edge of habitat occupied by the noise-sensitive avian species listed above, noise monitoring[1] shall be conducted during construction. 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.

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

R-299380

*BIO-12 During construction, a qualified biologist shall monitor the following activities to ensure wetland impacts do not exceed 0.01 acre and sensitive upland habitat impacts do not exceed 0.1 acre: installation of test stations and access roads (Phase III); protection of spans north of Otay River Valley (Phase III); rehabilitation of the span in the South Fork of Chollas Creek (Phase III); and pipeline replacement in an urban canyon stream south of SR-94 (Phase VIII). For observed exceedances into these ESLs, the biologist shall redirect work to disturbed areas, if possible, and notify the CM, RE, EPS, and MMC. The appropriate local and regulatory agencies shall be notified of any unauthorized encroachments into wetlands. Any unavoidable encroachments into these ESLs shall be documented by the biologist, and mitigated by the contractor at his/her expense. Contractor shall also be responsible for obtaining after-the-fact permits from the local and regulatory agencies. Construction change orders shall not be issued for such additional work.

*BIO-13 During construction, the qualified biologist shall document all monitoring activities via the Consultant Site Visit Record. At the end of each month, these records shall be provided to the RE, CM, and EPS. EPS will forward copies to MMC for logging and distribution to the ERM. The biologist shall notify the RE, CM, EPS, and MMC in writing of the end of monitoring.

Post Construction

*BIO-14 Within three months following completion of construction, the Final Biological Monitoring Report (even if negative) shall be submitted to the RE, CM, and EPS. The EPS will forward two copies to the MMC for logging and distribution; one copy shall be sent to the ERM for approval. The report will summarize the results of the biological monitoring program, list all outstanding items of concern for resolution and follow-up, and include appropriate graphics, field notes, and completed focused studies. For any unforeseen additional biological resources impacted during construction, habitat restoration or other such follow-up action plans shall be included in the report; additional mitigation measures may also be required. The contractor shall post a bond with the Water Department to pay for any follow-up action plans or additional mitigation measures including habitat restoration, monitoring, and reporting.

*BIO-15 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 (i.e., experienced in Southern California native habitat restoration) using appropriate species. If erosion control problems associated with proposed improvements or access to work areas for Phase III are identified by the biological monitor during construction within the existing roads and paths, then an appropriate erosion control seed mix shall be identified at that time and applied to the affected area upon completion of the project. Prior to hydroseeding/planting, a qualified 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. The biologist shall monitor and maintain the restoration site(s) to ensure its success for a period of time to be determined by the ERM. At the end of the monitoring period, the Environmental Review Coordinator (ERC) shall provide the MMC (for logging and distribution to the ERM) a final report (with photos) prepared by the biologist summarizing the results of the restoration efforts. The contractor shall post a bond with the Water Department to pay for the restoration, monitoring, and reporting.

R-299380

3. HISTORICAL RESOURCES

IMPACT:

Phases I, II, IV, and VII

The disturbance of native soils that would occur as a part of these phases could uncover and adversely affect historical resources. These phases present potentially significant impacts with respect to historical resources, and mitigation is required.

Phase III

Should grading or other ground disturbance be required for staging areas, access roads, or scaffolding, there would be the potential for significant impacts to historical resources that could be unearthed in native soils.

Phases V, VI, and VIII

The extent of potential impacts to historical resources cannot be determined for these phases due to the uncertainty regarding facilities location. As design progresses, further historical resources review will be required for these phases.

The precise location of Phase VIII is undetermined at this time and could potentially impact four known cultural resources. Potential disturbance of the four cultural resources due to implementation of Phase VIII would present a significant impact. As discussed in Section VIII, Alternatives, possible alignments for Phase VIII could avoid known cultural resources sites.

Mitigation:

Phases I, II, III, IV, and VII

*HIST-1 Prior to approval of funding for advertisement of construction documents for each phase, the following mitigation measures shall be implemented for new staging areas and access roads proposed by contractor in areas that were not the subject of a previous survey:

1. Plans for all staging areas, access roads, and scaffolding shall be evaluated by a qualified archaeologist when the final design plans become available.

2. Pedestrian surveys shall be performed by a qualified archeologist on such areas to determine whether cultural resources are present.

3. If cultural resources are found to be present, then potential avoidance options shall be identified. If no feasible options can be identified, then a focused test and evaluation program must be conducted for each identified resource to determine its significance, in accordance with criteria set in CEQA Section 15064.5 and the City Historical Resources Guidelines. For any significant resources that cannot be avoided, a data recovery program shall be developed and completed to mitigate the project effects.

4. If cultural resources are present, but no ground-disturbing work is required, then a qualified archaeological monitor shall be present during site preparation to minimize indirect impacts to cultural resources.

*HIST-2 The following mitigation measures shall be implemented to reduce the significant historical resources impacts of these phases to below the level of significance:

Prior to Preconstruction (Precon) Meeting

1. Land Development Review (LDR) Plan Check

   Prior to the first Precon Meeting, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

2. Letters of Qualification have been submitted to ERM

   Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ERM of LDR 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. Individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)

   a. At least thirty days prior to the Precon Meeting a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.

   b. MMC will provide Plan Check with a copy of both the first and second letter.

4. Records Search Prior to Precon Meeting

   At least thirty days prior to the Precon Meeting 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

R-299380

and/or grading activities. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

1. Monitor Shall Attend Precon Meetings

   a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

   b. If the Monitor is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

2. Units of Measure and Cost of Curation for CIP or Other Public Projects

   Units of measure and cost of curation will be discussed and resolved at the Precon Meeting prior to start of any work that requires monitoring.

3. Identify Areas to be Monitored

   At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.

4. When Monitoring Will Occur

   Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. Monitor Shall be Present 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 or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

2. Monitoring of Trenches Will Include 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 Construction Manager's responsibility to keep the monitors up-to-date with current plans.*

3. Discoveries

   a. Discovery Process

      In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI ,as appropriate, 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 of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.

   b. 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 will be allowed to resume.

   c. Minor Discovery Process for Pipeline 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 RE, or BI, as appropriate, PI, if monitor is not qualified as a PI, and MMC.

         (b) MMC shall notify the Senior Planner in the Environmental Analysis Section (EAS) of DSD.

R-299380

(c) MMC shall coordinate all historic discoveries with the applicable Senior Planner, PI 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.

(e) MMC will 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.

4. Human Remains

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

a. Notification

(1) Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).

(2) The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

b. Isolate Discovery Site

(1) Work will be directed from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.

(2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.

(3) If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

c. If Human Remains are determined to be Native American

(1) The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.

(2) The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.

(3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..

(4) The PI will coordinate with the MLD for additional consultation.

(5) Disposition of Native American Human Remains will be determined between the MLD and the PI, IF:

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

(b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

d. If Human Remains are **NOT** Native American

(1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

(2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

5. Night Work

a. If night work is included in the contract

(1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

(2) The following procedures shall be followed.

(a) No Discoveries

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

(b) Minor Discoveries

All Minor Discoveries will be processed and documented using the existing procedures under **During Construction;** 3. c., for Small Historic Discoveries, with the exception in **During Construction**; 3. c. (1)(a), that the PI will contact 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 **During Construction;** 3. a. & b, will be followed, with the exception that in **During Construction;** 3. a., the PI will contact MMC by 8:00 AM the following morning to report and discuss the findings.

b. If night work becomes necessary during the course of construction

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

(2) The RE, or BI, as appropriate, will notify MMC immediately.

c. All other procedures described above will apply, as appropriate.

6. Notification of Completion

a. The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

Post Construction

1. Handling and Curation of Artifacts and Letter of Acceptance

a. 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; 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.

b. 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.

2. Final Results Reports (Monitoring and Research Design And Data Recovery Program)

a. Within three months following the completion of monitoring, 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 MMC for approval by the ERM of LDR.

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

c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

3. 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.

R- 299380

Phases V, VI, and VIII

*HIST-3 Prior to approval of CIP funding for project construction, the City shall further define the types of facilities necessary for Phases V, VI, and VIII and if subsequent environmental review determines that the Project would result in significant impacts to historical resources, then mitigation measures shall be developed/approved as a part of subsequent environmental documentation. The following performance standards should be addressed as a part of subsequent design of individual phases to minimize the extent of environmental review required:

- Siting facilities shall be based on the recommendations of a cultural resources literature search and survey.

- Plans for all construction activities, including staging areas, access roads, and scaffolding, shall be evaluated by a qualified archaeologist when the final design plans become available.

- Pedestrian surveys shall be performed by a qualified archeologist on such areas to determine whether cultural resources are present.

- If cultural resources are found to be present, then potential alternatives shall be identified. If no feasible alternatives can be identified, then a focused test and evaluation program must be conducted for each identified resource to determine its significance, in accordance with criteria set in CEQA Section 15064.5 and the City of San Diego Historical Resources Guidelines. For any significant resources that cannot be avoided, a data recovery program shall be developed and completed to mitigate the project effects.

- If cultural resources are present but no ground-disturbing work is required, then a qualified archaeological monitor shall be present during site preparation to minimize indirect impacts to cultural resources.

4. PALEONTOLOGICAL RESOURCES

IMPACT:

Phases I, II, IV, V, VI, VII, and VIII

For Phases I, II, IV, V, VI, VII, and VIII, excavation work along the specific segments evaluated in this section could result in significant paleontological impacts.

MITIGATION:

Phases I, II, IV, V, VI, VII, and VIII

The following mitigation measures would ensure that potential impacts to paleontological resources would be reduced to below the level of significance.

Prior to Preconstruction (Precon) Meeting

*PALEO-1 Land Development Review (LDR) Plan Check
Prior to the first Preconstruction Meeting, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

*PALEO-2 *Letters of Qualification have been Submitted to ERM*

PALEO-2a Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.

*PALEO-3 *Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC).*

PALEO-3a At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC 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 will provide Plan Check with a copy of both the first and second letter.

R-299380

*PALEO-4 *Records Search Prior to Precon Meeting*
At least thirty days prior to the Precon meeting, 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, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

*PALEO-5 *Monitor Shall Attend Precon Meetings*

PALEO-5a Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.

PALEO-5b If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager 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 Precon Meeting, 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, the Paleontologist also shall submit a construction schedule to MMC through the RE, or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

*PALEO-8 *Monitor Shall Be Present 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 (measured from existing grade), and shall document activity via the Consultant Site Visit Record (form). This form shall be sent to the RE, or BI as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

*PALEO-9 *Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances*
Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource 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 monitors up-to-date with current plans.*

*PALEO-10 *Discoveries*

PALEO-10a *Minor Paleontological Discovery*
In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, 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, or BI as appropriate, 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 Principal Investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

*PALEO-11 *Night Work*

PALEO-11a If night work is included in the contract:

(1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

(2) The following procedures shall be followed:

R-299380

(a) No Discoveries

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

(b) Minor Discoveries

All Minor Discoveries will be processed and documented using the existing procedures under 3.a., with the exception that the RE will contact MMC by 9 A.M. the following morning.

(c) Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures under 3.b., will be followed, with the exception \ that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.

PALEO-11b If night work becomes necessary during the course of construction:

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

(2) The RE, or BI, as appropriate, will notify MMC immediately.

PALEO-11c All other procedures described above will apply, as appropriate.

*PALEO-12 *Notification of Completion*

The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

Post Construction

*PALEO-13 The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

*PALEO-14 *Letter of Acceptance from Local Qualified Curation Facility*

The Paleontologist shall be responsible for submittal of a letter of acceptance to ERM of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.

*PALEO-15 *If Fossil Collection is not Accepted, Contact LDR for Alternatives*

If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.

*PALEO-16 *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-17 *Final Results Report*

PALEO-17a Within three months following the completion of grading/trenching, 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 MMC for approval by the ERM of LDR and one additional copy shall be sent to the RE or BI, as appropriate.

PALEO-17b MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

5. TRAFFIC/CIRCULATION

IMPACT:

Phases V and VIII

The Water Department has not yet determined specific locations of facilities proposed within Phases V and VIII. A subsequent traffic analysis would need to be completed to identify potential impacts to traffic circulation associated with construction of Phases V and VIII.

MITIGATION:

Phases V and VIII

*TRAFF-1 Prior to approval of funding for advertisement of construction documents for Phases V and VIII, the Water Department shall submit project plans to DSD; EAS will conduct an initial environmental review. If any of these phases is found to have potentially significant impacts to traffic circulation, then a subsequent CEQA document assessing the impacts and identifying mitigation measures shall be completed and approved by the appropriate City decision maker. Subsequent environmental review shall address, but not be limited to, the following performance standards:

- A detailed traffic analysis shall be prepared for Phases V and VIII (pipeline realignment only) in accordance with City guidelines. The analysis shall be submitted to the ERM and Traffic Engineering Department for review and approval. The analysis shall address direct short-term impacts to traffic circulation on affected roadways due to project construction. Specifically, construction activities shall not cause a reduction of LOS on affected roadways to LOS E or F. The analysis shall consider implementation of standard requirements such as a traffic control plan to address maintenance of access to residences and use of traffic control devices (e.g., barriers, signs, notices, other warning devices).

- Mitigation measures incorporated into project phases may include, but not be limited to: limiting construction to non-peak commute hours (8:30 AM–3:30 PM); alternative routes due to lane closures; and for any impacted four-lane roads, leaving two lanes of traffic open in the direction of prevailing traffic flow during AM and PM peak hours.

*TRAFF-2 Prior to approval of funding for advertisement of construction documents for Phases V and VIII, the ERM shall verify that all applicable traffic mitigation measures and requirements have been incorporated into the appropriate construction documents (e.g., Sheet 1 or 2, drawings, specifications, appendices) including, but not limited to, MMRP text and a traffic control plan.

R-299380

6. NOISE

IMPACT:

Phase II

The 75 decibel, 12 hour noise contour associated with pipeline construction would extend partially within or immediately adjacent to residential property lines when nighttime construction is proposed at the 54th Street/El Cajon, 54th Street/Lea Street, 54th Street/Trojan and 54th Street/ Redwood Street intersections. Considering that nighttime construction would be stationary within a specific portion of the intersection, residences in close proximity to nighttime work at these intersections could be subjected to a significant increase in noise from the ambient levels.

Phases V and VI

The precise location and construction requirements associated with implementation of Phases V and VI are not known at this time. As a result, additional acoustical studies for these phases would be required to assess significance of potential impacts when more specific details on locations of facilities become available.

MITIGATION:

Phase II

*NOISE-1 Prior to the first preconstruction meeting, the ERM shall verify that the following measures have been incorporated into the appropriate construction documents:

a. For work scheduled between 7:00 PM and 7:00 AM, the Water Department Public Information Officer (PIO) shall notify all residents adjacent to the pipeline construction corridor about 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 within 50 feet of construction and impacted by nighttime construction noise can arrange directly for overnight lodging within a convenient distance. 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 the nighttime construction for the specific reach of the pipeline under construction at any given time. 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 affected streets at the time of occupancy. To ensure verification of residency, the Water Department PIO shall provide the temporary lodging facilities with an updated list of names and addresses of residents who could potentially be impacted by nighttime construction.

b. For work scheduled between 7:00 PM and 7:00 AM and/or on Sundays, contractor shall obtain a Noise Permit. The more strict condition shall take precedence if there is a conflict between the conditions set forth in this MMRP and the conditions of the Noise Permit.

Phases V and VI

NOISE-2 Prior to approval of funding for advertisement of construction documents, noise studies shall be conducted by a qualified acoustician and submitted to the ERM for review and approval. Recommendations of the noise studies shall be incorporated into the construction documents, as verified by the ERM, prior to the preconstruction meetings for these phases.

R-299380