

Item # 332

(R-2014-635)

April 29, 2014

Sub item 'A'

RESOLUTION NUMBER R- 308919

DATE OF FINAL PASSAGE APR 29 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR BLACK MOUNTAIN NATURAL RESOURCES MANAGEMENT PLAN - PROJECT NO. 266083.

WHEREAS, the proposed Project by the City of San Diego, Park and Recreation Department, Open Space Division would adopt the Black Mountain Open Space Park (Park) Natural Resource Management Plan (NRMP) to provide guidance for management of environmentally sensitive resources in accordance with the Multiple Species Conservation Program (R-288455); and

WHEREAS, the NRMP includes a trail plan that will close 11.9 miles of trails, add 3.45 miles of new trails, and maintain 14.32 miles of existing trails within the Park, which is being permitted as part of this action; and

WHEREAS, to complete the Project, the City must adopt the NRMP, amend the Rancho Penasquitos Community Plan (Community Plan) to reflect the revised trails and associated policy language, approve a Site Development Permit (SDP) for physical work on the trails, and adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, on December 29, 2011, City of San Diego, Park and Recreation Department, Open Space Division submitted an application to Development Services Department for a SDP and amendment to the Community Plan; and

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

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in MND No. 266083 prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration (MND) No. 266083 has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the MND reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the MND, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project; and

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that it finds on the basis of the entire record that Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that MND No. 266083, attached hereto as Exhibit B, is hereby adopted; and

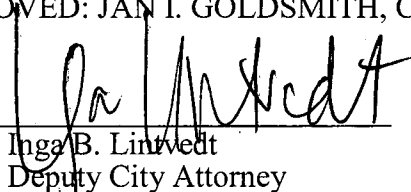
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the MND and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101; and

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

APPROVED: JAN I. GOLDSMITH, CITY ATTORNEY

By: _____


Inga B. Linvedt
Deputy City Attorney

IBL:mm
04/10/14
Or.Dept: DSD
Doc. No. 758951_3

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program
Exhibit B, Mitigated Negative Declaration

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT AND COMMUNITY PLAN AMENDMENT

PROJECT NO. 266083

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 204753 shall be made conditions of Site Development Permit as may be further described below.

GENERAL REQUIREMENTS

I. Prior to Permit Issuance

A. Plan Check Phase

1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

II. Prior to start of construction

A. Post Plan Check

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **Biologist**

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

For Clarification of ENVIRONMENTAL REQUIREMENTS, it is required to call MMC at 858-627-3360

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 266083, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, and MMC. The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

Permit Holder's Representatives must alert MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None required.

4. **MONITORING EXHIBITS:** All consultants (City Biologist) are required to submit, to MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape,

etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

- 5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<i>Issue Area</i>	<i>Document submittal</i>	<i>Associated Inspection/Approvals/Note</i>
General	Consultant Qualification Letters	Prior to Pre-construction meeting
General	Consultant Const. Monitoring	Prior to or at the Pre-Construction meeting
Biology	Biology Reports	Limit of Work Verification

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

Land Use (MHPA)

I. Prior to Permit Issuance

A. Prior to issuance of any construction permit, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project's design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's Multi-Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multiple Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:

1. **Land Development / Grading / Boundaries** –MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. The ED shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.
2. **Drainage / Toxins** –All new and proposed parking lots and developed area in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA, All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted

- swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
3. **Staging/storage, equipment maintenance, and trash** –All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the plans that states: *“All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.”*
 4. **Barriers** –All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
 5. **Lighting** – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.
 6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: *“The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.”*
 7. **Brush Management** –All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2 may be located within the MHPA and the BMZ 2 management shall be the responsibility of a HOA or other private entity.
 8. **Noise-** Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for protected avian species such as: *California Gnatcatcher (3/1-8/15)*; if construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit (FOR PUBLIC PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES 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 CITY MANAGER:

- A. 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 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE

SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERM, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES 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 (AUGUST 16).

* Construction noise monitoring 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

II. Prior to Start of Construction

A. Preconstruction Meeting

The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements, into the project's Biological Monitoring Exhibit (BME).

The Qualified Biologist/Owners Representative is responsible to arrange and perform a focused pre-con with all contractors, subcontractors, and all workers involved in grading or other construction activities that discusses the sensitive nature of the adjacent sensitive biological resources.

III. During Construction

- A.** The Qualified Biologist/Owners Representative, shall verify that all construction related activities taking place within or adjacent to the MHPA are consistent with the CDs, the MSCP Land Use Adjacency Guidelines. The Qualified Biologist/Owners Representative shall monitor and ensure that the Land Use Adjacency Guidelines as described in Section I are being implemented.

IV. Post Construction

A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the RE/MMC within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of RE/MMC.

B. BIOLOGICAL RESOURCES

- I.** Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall verify that one of the following conditions has occurred to mitigate direct impacts to 2.78 acres of upland habitat:
1. The applicant shall conserve 0.95 acre of Tier II habitat, 1.79 acres of Tier IIIA, and 0.04 acre of Tier IIIB or higher habitat within the MHPA;

2. Conserve 1.9 acre of Tier II habitat, 2.69 acres of Tier IIIA, and 0.06 acre of Tier IIIB or higher habitat outside of the MHPA;
3. Purchase 2.78 acres of habitat through the City's Habitat Acquisition Fund (HAF);
4. Purchase 2.78 acres of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank;
5. Debit 2.78 acres of habitat from mitigation credits owned by Park and Recreation.

II. General Bird Mitigation

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
2. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and all monitoring results shall be incorporated into the final biological construction monitoring report.
3. If no nesting birds are detected per III.a above, mitigation under III a. is not required.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

EXHIBIT B

MITIGATED NEGATIVE DECLARATION

PROJECT NO. 266083



Advanced Planning and Engineering Division
(619) 446-5460

FINAL

MITIGATED NEGATIVE DECLARATION

Project No. 266083
SCH No. 2013011032

SUBJECT: Black Mountain Natural Resources Management Plan: SITE DEVELOPMENT PERMIT (SDP) and COMMUNITY PLAN AMENDMENT for the adoption of the Black Mountain Open Space Natural Resources Management Plan (NRMP) for the Black Mountain Open Space Park (Plan). The Plan would provide guidance for the present and future use and maintenance of the Park, as well as Area Specific Management Directives (ASMDs) which satisfy the requirements of the City's MSCP Implementing Agreement for Black Mountain Open Space. The NRMP contains a proposal to revise the existing trail system on Black Mountain through closure of 11.9 miles of existing trails and development of 3.45 miles of new trail segments, which would result in impacts to biological resources.

The Plan is intended not only to make provisions for the protection and preservation of the natural resources, especially sensitive resources, but also to allow safe and accessible use of the Park to meet the needs of the present and future communities through the trail plan (Figure 2). The Plan provides for maintenance of the quality of the Park's natural environment and associated visual enjoyment of the Park's open space. In addition, this Plan is intended to identify management needs for three hundred twenty-five acres that were used to mitigate biological impacts to sensitive upland habitats associated with the San Diego County Water Authority (CWA) Emergency Storage Project (ESP). Management and monitoring of the site is required by the U.S. Fish and Wildlife Service (Biological Opinion (BO) 1-6-97-F-13) and shall be conducted in accordance with this Plan upon approval. The Plan is also intended to compliment any future Park master plan, which would include management directives for any potential new recreation sites within the Plan area.

The above mentioned trail plan is the result of a comprehensive trail analysis completed for the Black Mountain Open Space Park NRMP. Following review against multiple criteria each trail segment was categorized as Existing – Permanently Closed, Existing – To Remain Open, Existing – Proposed for Closure, or New – Proposed to Open. The resulting trail plan proposes closure of 11.97 miles of existing trail segments that are unsafe, difficult to maintain, redundant and/or negatively affect habitat values, as well as development of 3.45 miles of new segments of safe, sustainable trails in areas of moderate-to-low biological sensitivity.

The planning area is bounded by Black Mountain Road to the north and west, and Carmel Mountain Road to the south and east. The Park, which is managed as a whole, is a composite of the existing 1,014-acre Park to the north and the recently acquired 538-acre Montana Mirador site to the south. The project is located in the Rancho Penasquitos and Black Mountain Community Plan areas. Applicant: City of San Diego, Park and Recreation Department, Open Space Division.

UPDATE: September 24, 2013

Revisions to this document have been made when compared to the Draft Mitigated Negative Declaration (DMND) dated January 18, 2013. Since the circulation of the DMND the construction corridor has been expanded to allow for additional vegetation impacts if required during construction. The MMRP and Initial Study were modified to identify an additional .31 impacts to Tier II and an additional .02 impacts to Tier IIIa. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. Therefore the addition of updated mitigation requirements within the environmental document does not affect the environmental analysis or conclusions of the MND.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): Biological Resources, Land Use - Multi-Habitat Planning Area (MHPA). The project requires implementation of specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as presented now avoids or mitigates the potentially significant environmental effects identified and the preparation of an Environmental Impact Report (EIR) would not be required.

- IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

- V. MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP):

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

- 1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated:

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
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4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **Biologist**

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CONTACT INFORMATION:

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None required.

4. **MONITORING EXHIBITS:** All consultants (City Biologist) are required to submit, to MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

Land Use (MHPA)

I. Prior to Permit Issuance

- A. Prior to issuance of any construction permit, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project's design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multiple Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:
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approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

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4. **Barriers** –All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
5. **Lighting** – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.
6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: *“The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.”*
7. **Brush Management** –All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2 may be located within the MHPA and the BMZ 2 management shall be the responsibility of a HOA or other private entity.
8. **Noise**- Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for protected avian species such as: *California Gnatcatcher (3/1-8/15)*; if construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

1. Prior to the issuance of any grading permit (FOR PUBLIC PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES 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 CITY MANAGER:

A. 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 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

A. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

I. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO...

NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES 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 (AUGUST 16).

* Construction noise monitoring 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

II. Prior to Start of Construction

A. Preconstruction Meeting

The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements, into the project's Biological Monitoring Exhibit (BME).

The Qualified Biologist/Owners Representative is responsible to arrange and perform a focused pre-con with all contractors, subcontractors, and all workers involved in grading or other construction activities that discusses the sensitive nature of the adjacent sensitive biological resources.

III. During Construction

- A. The Qualified Biologist/Owners Representative, shall verify that all construction related activities taking place within or adjacent to the MHPA are consistent with the CDs, the

MSCP Land Use Adjacency Guidelines. The Qualified Biologist/Owners Representative shall monitor and ensure that the Land Use Adjacency Guidelines as described in Section I are being implemented.

IV. Post Construction

A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the RE/MMC within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of RE/MMC.

B. BIOLOGICAL RESOURCES

I. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall verify that one of the following conditions has occurred to mitigate direct impacts to 2.78 ~~2.45~~ acres of upland habitat:

1. The applicant shall conserve 0.95 ~~0.64~~ acre of Tier II habitat, 1.79 ~~1.77~~ acres of Tier IIIA, and 0.04 acre of Tier IIIB or higher habitat within the MHPA;

2. Conserve 1.9 ~~1.28~~ acre of Tier II habitat, 2.69 ~~2.66~~ acres of Tier IIIA, and 0.06 acre of Tier IIIB or higher habitat outside of the MHPA;

3. Purchase 2.78 ~~2.45~~ acres of habitat through the City's Habitat Acquisition Fund (HAF);

4. Purchase 2.78 ~~2.45~~ acres of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank;

5. Debit 2.78 ~~2.45~~ acres of habitat from mitigation credits owned by Park and Recreation.

II. General Bird Mitigation

a. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.

b. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant

Deputy Director (ADD) Environmental Designee of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and all monitoring results shall be incorporated into the final biological construction monitoring report.

- c. If no nesting birds are detected per III.a above, mitigation under III a. is not required.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

United States Government

U.S. Fish and Wildlife Service (23)

State of California

California Department of Fish and Wildlife (32A)

State Clearinghouse (46)

City of San Diego

Council Member Lightner, District 1

Historical Resource Board (87)

Park and Recreation Department

Laura Ball (MS 5D)

Betsy Miller (MS 5D)

City Attorney

Shannon Thomas (MS 93C)

Development Services Department

Helene Deisher (MS 501)

Conan Murphy (MS 501)

Michael Prinz (MS 401)

Kristy Forburger (MS 401)

Terre Lien (MS 501)

Library Dept.-Gov. Documents MS 17 (81)

Other

Rancho de los Penasquitos Planning Board (380)

Friends of Los Penasquitos Canyon Preserve (382)

Rancho Penasquitos Town Council (383)

Los Penasquitos Planning Board Citizens (385)

Black Mountain Ranch, John Becker (226C)

Environmental Law Society (164)

Sierra Club (165A)

San Diego Audubon Society (167)

Jim Pugh (167A)

California Native Plant Society (170)

Endangered Habitat League (182 and 182A)

South Coastal Information Center @ San Diego State University (210)


Frank Brown (216)

Carmen Lucas (206)
Clint Linton (215b)
San Diego Archaeological Center (212)
Save Our Heritage Organization (214)
Ron Christman (215)
Louie Guassac (215A)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-S) **Public Notice Only**

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (x) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.



Jeffrey Szymanski, Senior Planner
Development Services Department

January 18, 2013
Date of Draft Report

Analyst: J. Szymanski

September 24, 2013
Date of Final Report

Attachments:

- Figure 1 - Location/Vicinity Map
- Figure 2 - Black Mountain Natural Resources Trail System
- Initial Study Checklist



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011
760-431-9440
FAX 760-431-9618



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
858-467-4201
FAX 858-467-4299

Response to Comments

WILDLIFE AGENCIES (March 1, 2013)

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In Reply Refer To:
FWS/CDFW-13B0167-13TA0196

MAR 1 1 2013

Mr. Jeffery Szymanski
City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, California 92101

Subject: Comment on the Draft Mitigated Negative Declaration/ Draft Black Mountain Ranch
Natural Resource Management Plan (No. 266083), City of San Diego, California

Dear Mr. Szymanski:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the Draft Mitigated Negative Declaration (DMND) for the proposed Draft Black Mountain Ranch Natural Resource Management Plan (DRMP; No. 266083) in the City of San Diego (City), California. In response to the Wildlife Agencies' request, the City extended the public comment period for the DMND to March 8, 2013. The Wildlife Agencies appreciate the extension. The comments and recommendations provided herein are based on the information provided in the DMND, the DRMP, the Biological Resources Report for the Black Mountain Natural Resources Management Plan project (BTR; City of San Diego April 2012), our knowledge of sensitive and declining vegetation communities in the region, and our participation in the Multiple Species Conservation Program (MSCP), and the City's MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The Department is a Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines §15386) and as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 *et seq.*) and Fish and Game Code Section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning Program (NCCP). The City participates in the NCCP and the Service's HCP Programs by implementing its MSCP SAP.

The DRMP establishes guidelines for the management of the Black Mountain Open Space Park (Park) including guidelines for public use, development, trail use and/or closure, habitat restoration or enhancement, and protection of sensitive areas and species. In addition, the City proposes to close 11.9 miles of existing unofficial trails, formally designate 14.32 miles of existing unofficial trails, and develop 3.45 miles of new trails.

The Park is located in the community of Rancho Peñasquitos and is surrounded by residential development to the east, south, and west, and open space to the north.

Based on information in the BTR, the Park consists of 307.59 acres Diegan coastal sage scrub, 251.59 acres of coastal sage-chaparral scrub, 717.59 acres of southern mixed chaparral, 22.97 acres of nonnative grassland, 0.47 acre of freshwater marsh and 17.81 acres of ruderal/disturbed. Due to coarse vegetation mapping accuracy, native grassland and nonnative grassland has not been independently mapped. Vegetation communities found within a 100-foot buffer surrounding the proposed new trail segments include 13.34 acres of Diegan coastal sage scrub, 1.90 acres of coastal sage-chaparral scrub, 63.10 acres of southern mixed chaparral, 0.02 acre of native grassland, 0.24 acre of nonnative grassland and 3.2 acres of ruderal/disturbed. Sensitive species found on site include the federally endangered thread leaved brodiaea (*Brodiaea filifolia*, brodiaea) and the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*, gnatcatcher).

Approximately 538 acres located in the southern portion of the Park is known as Montana Mirador, of which 325 acres were used to mitigate for biological impacts to sensitive upland habitats associated with the San Diego County Water Authority Emergency Storage Project (BO; FWS-SDG-1-6-97-F-13). The 325-acre mitigation site supports a total of 310 acres of coastal scrub/coastal sage-chaparral habitat which supports a core population of approximately 29 gnatcatchers (12 pairs and 15 unpaired individuals).

We offer the comments and recommendations in the enclosure to assist the City in avoiding or minimizing potential biological impacts from the project discussed in the DRMP. We appreciate the opportunity to comment on this DRMP. We request a meeting with the City to discuss our comments, especially in regards to trails. If you have questions or comments regarding this letter, please contact Randy Rodriguez of the Department at 858-467-4230, or Patrick Gower of the Service at 760-431-9440.

Sincerely,



David A. Mayer
Acting Environmental Program Manager
California Department of Fish and Wildlife

for

Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

WILDLIFE AGENCIES (March 1, 2013)

General comments, Page 2, paragraph 1 of the comment letter: Please note that the City is not proposing to 'formally designate 14.32 miles of existing *unofficial trails*; rather, these trails follow existing easements, vehicle roads and trails, in existence prior to 1987 and/or covered by the Black Mountain Park Trails Negative Declaration (EQD No. 88-0357), and are currently shown on official City trail maps.

Enclosure

Comments on the Draft Mitigated Negative Declaration/Draft Black Mountain Open Space Park Natural Resource Management Plan

1. The sum for the vegetation community acreages reported in the draft Resource Management Plan (DRMP; 853.47 acres) and the Biological Technical Report (1,318.02 acres) do not match the 1,552 acres reported in the Summary section of the DRMP. To help clarify this apparent discrepancy, we recommend that a table listing acreage for each vegetation type be included in the final Resource Management Plan (RMP).
2. We are generally concerned about the number of trails, especially new trails, to be established in the Black Mountain Open Space Park (Park). We wish to meet with the City to go over the trail plan to determine the appropriate number and location of trails to ensure consistency with section 1.5.2 of the City's Subarea Plan.
3.

A. Please identify if any trails are anticipated to require seasonal closures during the breeding season to protect species (e.g., California gnatcatcher). The City's Multiple Species Conservation Program (MSCP) Subarea Plan identifies this measure to protect species (see Section 1.5.8, No. 1).

B. While the DRMP states on page 48 that within the plan area there are a variety of utility access roads or easements, Figure 10 shows only two. The DRMP should be revised to show the total number of utility access roads and easements found within the plan area.
4. The Mitigated Negative Declaration (MND) and RMP should identify areas that currently allow equestrian use and specify that allowance of equestrian uses in the future may require further review by the Wildlife Agencies. For example, equestrian uses may result in additional monitoring needs and potentially lead to the need to perform cowbird trapping. Alternatively, any trails that may be considered for such future uses could be identified now and addressed at a programmatic level.
5. The Wildlife Agencies recommend the areas of grassland be surveyed to differentiate the nonnative grassland from the native grassland. This will help identify potential areas for restoration and/or enhancement. The results should be included in the RMP as separate acreages and shown on a figure.
6. The RMP should include brodiaea on Figure 7 and the text for sensitive species observed on site should be consistent with the Biological Resources Report that indicates that thread leaved brodiaea was observed during biological surveys for

WILDLIFE AGENCIES (March 1, 2013) continued

Comment 1: Vegetation community acreages in the NRMP and BTR have been reviewed and revised for consistency.

Comment 2: A field meeting with the Wildlife Agency and the City was held on March 27, 2013, as requested.

Comment 3 A: The proposed trail plan minimizes impacts to CSS by permanently closing 4.79 miles of existing trail within CSS, and by limiting the extent of new trails proposed within CSS. Seasonal trail closures are not proposed at this time; however, Section 6.C.12 of the NRMP contains the following language which outlines the ability of the Park and Recreation Department to institute temporary, seasonal, or permanent closures at their discretion (underline added for emphasis):

Trails closures should be instituted to: allow native vegetation to recover; facilitate wildlife movement; protect archaeological sites and biological sensitive species or areas; allow added protection for sensitive species during breeding season; provide erosion control; ensure public safety; and allow for trail maintenance. Such closures may be temporary or permanent depending on the need.

Section 7.A of the NRMP states:

Trails may be closed at the discretion of the Park and Recreation Department due to the following reasons:

- Unsafe or unsustainable trails
- Trails initiating opportunities for illegal activity
- Trails contributing to resource impacts (i.e. erosion, biological, etc.)
- New environmental concerns
- Other issues under which closure is warranted based on professional staff opinion

Proposed changes or additions to the trail alignments included in this document will be evaluated based on the MSCP, additional applicable regulations, if any, and the acquisition of appropriate permits. All changes must be authorized through an amendment to this plan and the Rancho Penasquitos Community Plan, or through concurrence of City, CDFG and USFWS staff.

Enclosure

Comments on the Draft Mitigated Negative Declaration/Draft Black Mountain Open Space Park Natural Resource Management Plan

1. The sum for the vegetation community acreages reported in the draft Resource Management Plan (DRMP; 853.47 acres) and the Biological Technical Report (1,318.02 acres) do not match the 1,552 acres reported in the Summary section of the DRMP. To help clarify this apparent discrepancy, we recommend that a table listing acreage for each vegetation type be included in the final Resource Management Plan (RMP).
2. We are generally concerned about the number of trails, especially new trails, to be established in the Black Mountain Open Space Park (Park). We wish to meet with the City to go over the trail plan to determine the appropriate number and location of trails to ensure consistency with section 1.5.2 of the City's Subarea Plan.
3.

A Please identify if any trails are anticipated to require seasonal closures during the breeding season to protect species (e.g., California gnatcatcher). The City's Multiple Species Conservation Program (MSCP) Subarea Plan identifies this measure to protect species (see Section 1.5.8, No. 1).

B While the DRMP states on page 48 that within the plan area there are a variety of utility access roads or easements, Figure 10 shows only two. The DRMP should be revised to show the total number of utility access roads and easements found within the plan area.
4. The Mitigated Negative Declaration (MND) and RMP should identify areas that currently allow equestrian use and specify that allowance of equestrian uses in the future may require further review by the Wildlife Agencies. For example, equestrian uses may result in additional monitoring needs and potentially lead to the need to perform cowbird trapping. Alternatively, any trails that may be considered for such future uses could be identified now and addressed at a programmatic level.
5. The Wildlife Agencies recommend the areas of grassland be surveyed to differentiate the nonnative grassland from the native grassland. This will help identify potential areas for restoration and/or enhancement. The results should be included in the RMP as separate acreages and shown on a figure.
6. The RMP should include brodiaea on Figure 7 and the text for sensitive species observed on site should be consistent with the Biological Resources Report that indicates that thread leaved brodiaea was observed during biological surveys for

WILDLIFE AGENCIES (March 1, 2013) continued

Comment 3 B: The City Park & Recreation Department is working with the Real Estate Assets Department as well as the easement holders within Black Mountain Open Space Park to obtain updated easement routes, if any; Figure 11 will be revised as needed.

Comment 4: Equestrian use is not proposed within Black Mountain Open Space Park (see NRMP Appendix D).

Comment 5: The City concurs with the need for focused surveys for native grasslands, which is included as a Priority 1 task in Section 11.E of the NRMP.

Comment 6: *Brodiaea filifolia* is discussed in the NRMP in Chapter 3 Sections B and C, Chapter 5 Section A, Chapter 9 Section D, and additional discussion has been added to Chapter 3 C.

the DRMP. The RMP should include information on when the last surveys (including the buffer used) for brodiaea were conducted for the trails proposed under the RMP. The MND and RMP should clearly demonstrate that avoidance (with an adequate buffer) for this MSCP narrow endemic plant species has been achieved with the proposed trail system or other maintenance activities.

7. Figure 7 should be revised to include all sensitive plant species found within the plan area.
8. Ruderal is not a recognized habitat type in the MSCP. All areas mapped as ruderal should be reclassified according to recognized MSCP vegetation classifications (e.g., non-native grassland).
9. The RMP should include any utility memorandums of understanding (MOU) and other information on the type/location of utility easements in the Preserve. The information/MOU's should clearly describe the proposed maintenance activities and identify all utility easements to be maintained with potential access routes.
10. Mitigation Options (DRMP page 80): Due to the unique habitat and species present in this MSCP core resource area, the Wildlife Agencies recommend that all mitigation from the proposed project occur within the Park. We recommend that existing trails to be closed be actively restored (e.g., with container stock) under a 5-year restoration plan to achieve required project mitigation or at a minimum, the active restoration be monitored for at least 25 months for erosion control and native plant establishment success.
11. Please identify which Park and Recreation lands have appropriate credits available for use as mitigation for this project. The lands used should have similar habitat and potentially support covered species. The management/monitoring plan associated with those lands should be identified as well.
12. Please provide more information on the "proposed future trail connection" to the north shown on Figure 4 of the MND (which appears to connect to Heritage Bluffs). Known occurrences of brodiaea have been observed at that site and within/adjacent to Black Mountain Open Space Park.
13. The MND and RMP should include more information on the location of variegated dudleya to the proposed trail system (including proposed buffer) to demonstrate avoidance of this MSCP narrow endemic plant species.
14. Appendix A: Please include the variegated dudleya (*Dudleya variegata*) in the species list, as it was observed on site.

WILDLIFE AGENCIES (March 1, 2013) continued

Comment 7: Figure 7 has been revised within the NRMP.

Comment 8: References to 'Ruderal' habitat have been removed from the Biological Technical Report and the Natural Resource Management Plan.

Comment 9: The City Park & Recreation Department is working with the Real Estate Assets Department as well as the easement holders within Black Mountain Open Space Park to obtain updated easement routes, if any; Figure 11 will be revised as needed.

Comment 10: Due to the remoteness and long, narrow, linear nature of the trails, formal mitigation for the project habitat impacts will be through the purchase of mitigation credits or acreage. Onsite passive restoration with monitoring and success criteria is included in the plans for the Site Development Permit. The restoration strategy for disturbed areas includes passive restoration and monitoring, along with more active remedial measures after three years if success criteria are not met to ensure erosion control and native plant establishment. Due to the dense native vegetation within a majority of the Preserve, passive restoration has been successful on trail closures of unapproved trails.

Comment 11: As stated in the MND, the City may conserve land through the purchase of habitat through the City's Habitat Acquisition Fund or approved mitigation bank such as the Cornerstone Land Mitigation Bank. These have been approved for mitigation credits under the MSCP and/or have approved mitigation/monitoring plans. If the City Park and Recreation elects to Debit credit from mitigation credits owned by Park and Recreation, a management/monitoring plan shall be identified.

Comment 12: The "proposed future trail connection" is included in the Black Mountain Subarea Plan Trails Plan. It is not a part of this project, and would be assessed for environmental and permitting requirements at a future date.

Comment 13: The Biological Technical Report has been revised to include a discussion of avoidance measures for *Dudleya variegata* relative to the proposed trail system.

Comment 14: *Dudleya variegata* has been added to Appendix A of the Biological Technical Report and the Natural Resource Management Plan.

15. The proposed paving of 0.24 mile for the ADA-Access Trail for All included as part of the project would be considered an impact and should be included in the analysis and mitigation for the trails project.
16. The RMP should include a discussion detailing the management actions occurring and proposed within the Park including current maintenance activities and habitat restorations/enhancement projects.
17. Please provide an anticipated schedule for developing restoration/enhancement plans for the habitat restoration and enhancement priorities in the 325-acre mitigation area in the Montana Mirador.
18. The RMP should indicate if the endowment or other program providing for the perpetual management of the 325-acre mitigation area has been established consistent with Term and Condition 2.3 of the biological opinion (FWS-SDG-1-6-97-F-13) for the San Diego County Water Authority Emergency Storage Project.

WILDLIFE AGENCIES (March 1, 2013) continued

Comment 15: Impacts for the ADA-Accessible "Trail for All People" are included on Figure 4 (Area F) and called out separately from other trail impacts in the Table 3 of the Biology Report.

Comment 16: The Natural Resource Management Plan details prioritized management actions in Sections 9, 11.C and 11.E. Information on current stewardship and restoration actions may be found on page 3 of the 2012 MSCP Management Actions Report.

Comment 17: Enhancement and restoration activities within Black Mountain Open Space Park are prioritized based on the needs of the entire park. Implementation of several of the management actions in Section 5.A has already begun:

Management Area 1: Regulatory signs and fence installed. In the initial stages of artichoke thistle removal using volunteers and an herbicide applicator.

Management Area 2: Weeding within the native grassland area has begun using mechanical removal and herbicide in selected areas. Additional work is expected following the implementation of the proposed trail plan.

Management Area 3: Two kiosks have been installed; trash removal is conducted as necessary by ranger staff and/or volunteers on daily/weekly patrols.

Management Area 4 and 5: The on-going work in this area has focused on removing illegal dumps related to illegal campers. Closing illegal trails will be a high priority following the implementation of the proposed trail plan.

Management Area 6: This area is regularly monitored by ranger staff. Illegal encroachments were reviewed as part of our brush management program in 2012 and forwarded to Neighborhood Code Compliance as necessary.

Management Area 7: These areas are patrolled regularly, and fire rings are removed as necessary. In addition, a trail closure has been instituted to limit access.

Management Area 8: Enforcement patrols have been continued to discourage continued BMX activities. The location of the historic BMX site is nearly covered with native vegetation via passive restoration and no new signs of use are present.

15. The proposed paving of 0.24 mile for the ADA-Access Trail for All included as part of the project would be considered an impact and should be included in the analysis and mitigation for the trails project.
16. The RMP should include a discussion detailing the management actions occurring and proposed within the Park including current maintenance activities and habitat restorations/enhancement projects.
17. Please provide an anticipated schedule for developing restoration/enhancement plans for the habitat restoration and enhancement priorities in the 325-acre mitigation area in the Montana Mirador.
18. The RMP should indicate if the endowment or other program providing for the perpetual management of the 325-acre mitigation area has been established consistent with Term and Condition 2.3 of the biological opinion (FWS-SDG-1-6-97-F-13) for the San Diego County Water Authority Emergency Storage Project.

WILDLIFE AGENCIES (March 1, 2013) continued

Comment 18: The City is unaware of a long-term management funding mechanism beyond the Park & Recreation Open Space annual operating budget. The 'Agreement for Conveyance of Interests in Real Property – Montana Mirador' states, "With respect to the portion of Montana Mirador for which the Authority receives mitigation credits for purposes of the ESP, the City will perform or cause to be performed all long-term management and maintenance, including preparation of a long-term management plan in conformance with the ESP Biological Opinion, to the satisfaction of the USFWS and CDF&G." There is no discussion of funding for long-term maintenance and management or specific management requirements associated with the BO.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

23 February 2013

To: Mr. Jeffrey Szymanski
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Black Mountain Natural Resources Management Plan
Project No. 266083

Dear Mr. Szymanski:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study, and the cultural and historic resource survey report, we have the following comments:

19. The Resource Management Plan (RMP) DMND's cultural resources report is six years old, one year older than the usual threshold for requiring resurvey. Has the historic mine site been revisited by qualified researchers to confirm if it has been impacted in the intervening years?
20. It is not clear that the 1928-29 aerial photos, and subsequent aerial photos, were checked as part of the cultural resources study. Doing so could provide additional information on the mine resources and their changes over time.
21. Please clarify the current status of the recommended National Register nomination of the historic mine. Page iv states that the application forms had been prepared. If it has not been submitted, why not?
22. The RMP DMND does not include any mitigation measures addressing cultural resources. We recommend the addition of measures to address the following:
 - a. The nomination of the historic mine to the National Register, revised if necessary, should be completed.

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC (February 23, 2013)

Comment 19: Comment noted. As discussed in the NRMP one of the City's responsibilities is to submit a nomination form to the Historic Register of Historic Places for the Black Mountain Historic Mine Site (SDI-11040H). As a part of this process the evaluation of the site will be updated. Please note that an additional evaluation was conducted by ASM in 2011. The 2011 report will be included in the Final MND to the San Diego County Archaeological Society.

Comment 20: Comprehensive background research was conducted for the mine site that included; pedestrian surveys, a review of maps showing previous studies in the region, and a review of historic maps for the project area. In addition, following the survey additional historical and archival research was conducted at the San Diego Historical Society. City staff accepted the report and determined that it adequately addressed the resources.

However, since one of the goals and objectives of the NRMP is to continue to improve on a methodology for the management of Black Mountain's cultural resources the review of historic photographs will be reviewed as a part of the continued management of the resources.

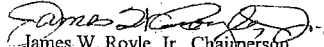
Comment 21: Following (but not until) the adoption of the NRMP which incorporates the Cultural Resources Management Plan the City would move forward with the recommendation to apply for the National Register for the Mine Site.

Comment 22a: The Mitigated Negative Declaration did not include mitigation measures for cultural resources because there was no nexus between the implementation of the project and a change or impact to the environment. The goals and objectives of the Natural Resource Management Plan are to develop a methodology for the management of Black Mountain's cultural resources. As noted, in comment No. 19 and 20 the City will seek nomination.

- b. A program for regular monitoring of the condition of the mine site, with remedial actions as necessary, should be established.
- c. If not already installed, interpretive markers should be installed at the mine.

Thank you for providing the opportunity to review and comment upon this DMND, and for forwarding a scanned copy of the cultural resources report to us.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC (February 23, 2013) continued

Comment 22b: Goal and Objective No. 1 under the NRMP includes recommendations that would require that all cultural resources be continually evaluated and assessed to maintain a policy of "arrested decay". This policy emphasizes the stabilization of the existing fabric of a historic resource without the intervention of invasive restoration techniques. This means that material conservation can take place, but only so far as to maintain and/or stabilize the present material. Attempts to return the historic fabric to an improved state of condition is not recommended.

Goal and Objective No. 3 under the NRMP contains hazardous materials remediation and cleanup recommendations to address any future remedial actions that may be required.

Comment 22c: Goal and Objective No.1 of the NRMP contains a recommendation to provide guided tours of the historic resources within the plan area, including the mine that would provide educational opportunities for the public. Interruptive signage is being considered as part of the project.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

STATE CLEARINGHOUSE AND PLANNING UNIT (February 25, 2013)

Comment 23: Comment noted.

February 25, 2013

Jeffrey Szymanski
City of San Diego
1222 First Avenue, MS-50J
San Diego, CA 92101

Subject: Black Mountain Natural Resources Management Plan
SCH#: 2013011032

Dear Jeffrey Szymanski:

23. The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 22, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2013011032
Project Title Black Mountain Natural Resources Management Plan
Lead Agency San Diego, City of

Response to Comments

STATE CLEARINGHOUSE (February 25, 2013)

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Type MND Mitigated Negative Declaration
Description SDP and Community Plan Amendment for the adoption of the Black Mountain Open Space Natural Resources Management Plan. The Plan would provide guidance for the present and future use and maintenance of the Park, as well as Area Specific Management Directives (ASMDs) which satisfy the requirements of the City's MSCP Implementing Agreement for Black Mountain Open Space. The NRMP contains a proposal to revise the existing trail system on Black Mountain through closure of 11.9 miles of existing trails and development of 3.45 miles of new trail segments, which would result in impacts to biological resources.

Lead Agency Contact

Name Jeffrey Szymanski
Agency City of San Diego
Phone 619 446 5324 Fax
email
Address 1222 First Avenue, MS-501
City San Diego State CA Zip 92101

Project Location

County San Diego
City
Region
Lat / Long 33° 58' N / 117° 7' W
Cross Streets Carmel Valley Road and Black Mountain Road
Parcel No. 312-010-3400
Township 14S Range 2W Section 7 Base

Proximity to:

Highways I-15
Airports
Railways
Waterways Penasquitos Canyon Creek
Schools Mt. Carmel HS
Land Use Open Space

Project Issues Archaeologic-Historic; Biological Resources; Recreation/Parks; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; State Lands Commission

Date Received 01/24/2013 Start of Review 01/24/2013 End of Review 02/22/2013

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



January 29, 2013

Mr. Jeffrey Szyminski, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

RE: SCH# 2013011032 - Black Mountain Natural Resources Management Plan, Project No. 266083 - San Diego County

Dear Mr. Szyminski:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- 24 ✓ Contact the appropriate Information Center for a record search to determine:
- If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- 25 ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- 26 ✓ Contact the Native American Heritage Commission for:
- A Sacred Lands File Check.
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contact List Attached**
- 27 ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION (January 29, 2013)

Comment 24: As noted in the MND a cultural resource survey was conducted for the project. Information regarding the results of the survey was included in the Final MND and within the survey report that was distributed with the draft MND.

Comment 25: See comment 24, a survey report was prepared and was reviewed by City of San Diego's environmental planners. The City acknowledges that all cultural location information is confidential and that information is not included in public documents.

Comment 26: The Sacred Lands File Check was conducted as indicated in the survey report. As a result of the file search conducted by The Native American Heritage Commission (NAHC) no sacred lands were identified with the boundary of the plan area. The contacts included on the "Native American Contact List" all received the draft MND.

Comment 27: Comment noted. The cultural resource technical studies did not identify impacts associated with the implementation of the NRMP and City staff concurred with the determination. Therefore, no impacts were identified and mitigation measures were not required.

Native American Contacts
San Diego County
January 28, 2013

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road Diegueno
Lakeside, CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Daniel Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon, CA 92019
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard, CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Viejas Band of Kumeyaay Indians
Anthony R. Pico, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine, CA 91903
jrothauff@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Diegueno/Kumeyaay
Boulevard, CA 91905
ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine, CA 92001
(619) 445-0385

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center, CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
Campo, CA 91906
chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013011032 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Black Mountain Natural Resources Management Plan, Project No. 256083; located in the Rancho Penasquitos and Black Mountain Community Plan Areas; City of San Diego; San Diego County, California.

Response to Comments

NATIVE AMERICAN HERITAGE COMMISSION (January 29, 2013)

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Native American Contacts
San Diego County
January 28, 2013

Jamul Indian Village
Raymond Hunter, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside, CA 92040
sbanegas50@gmail.com
(619) 742-5587
(619) 443-0681 FAX

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270 Diegueno
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

San Pasqual Band of Indians
Kristie Oroscio, Environmental Coordinator
P.O. Box 365 Diegueno
Valley Center, CA 92082
(760) 749-3200
council@sanpasqualtribe.org
(760) 749-3876 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley, CA 91962
(619) 709-4207

Ewiiapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road Diegueno/Kumeyaay
Alpine, CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Inaja Band of Mission Indians
Rebecca Osuna, Chairman
2005 S. Escondido Blvd. Diegueno
Escondido, CA 92025
(760) 737-7628
(760) 747-8568 Fax

Ipay Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507 Diegueno/Kumeyaay
Santa Ysabel, CA 92070
clinton73@aol.com
(760) 803-5694
clinton73@aol.com

Response to Comments

NATIVE AMERICAN HERITAGE COMMISSION (January 29, 2013)

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Native American Contacts
San Diego County
January 28, 2013

Kumeyaay Diegueno Land Conservancy
Mr. Kim Bactad, Executive Director
2 Kwaaypaay Court Diegueno/Kumeyaay
El Cajon CA 91919
guassacl@onebox.com
(619) 445-0238 - FAX
(619) 659-1008 - Office
kimbactad@gmail.com

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road Diegueno/Kumeyaay
Alpine CA 91901
frankbrown6928@gmail.com
(619) 884-6437

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside CA 92040
(619) 478-2113
(KCRC is a Colation of 12
Kumeyaay Governments

Response to Comments

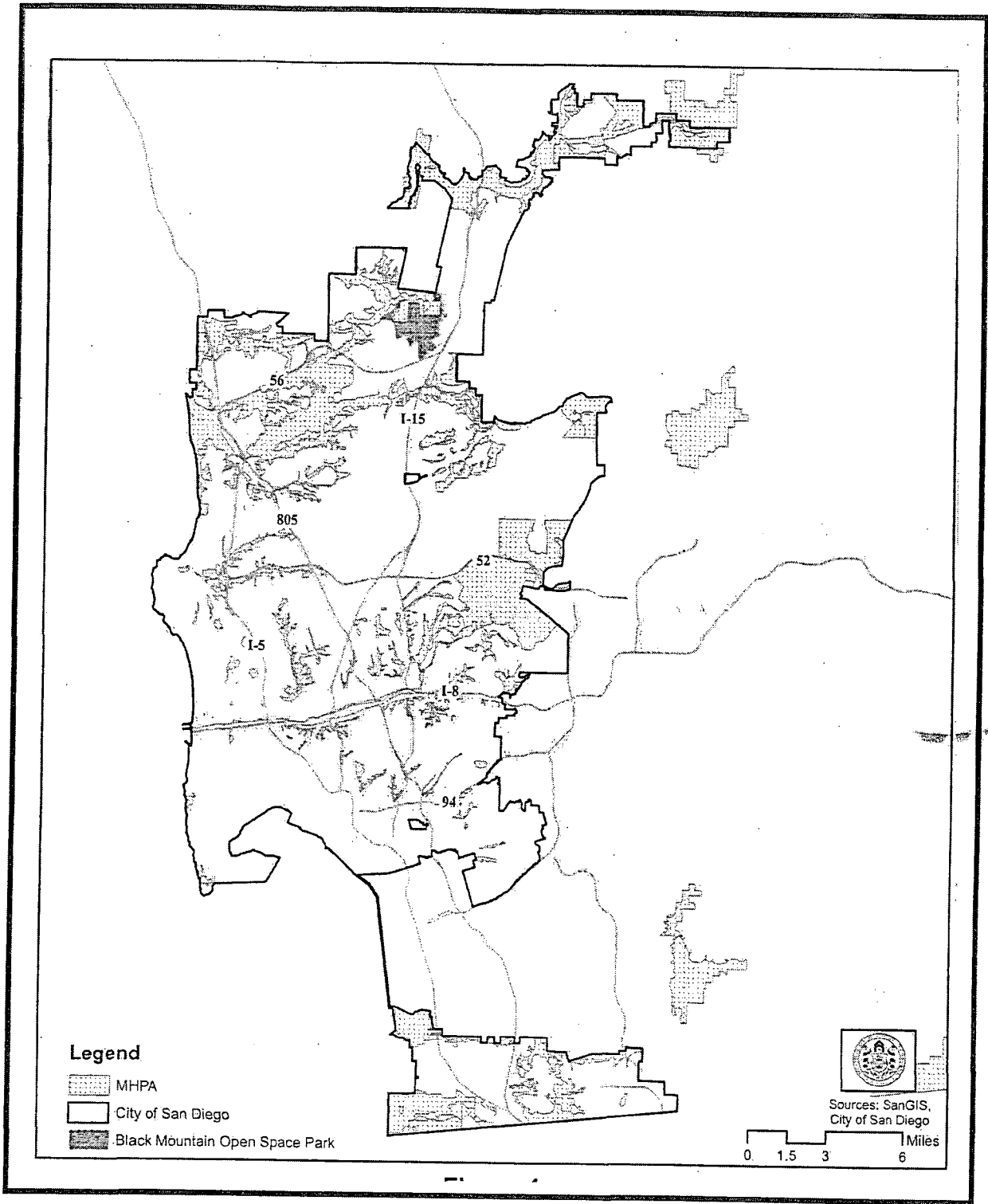
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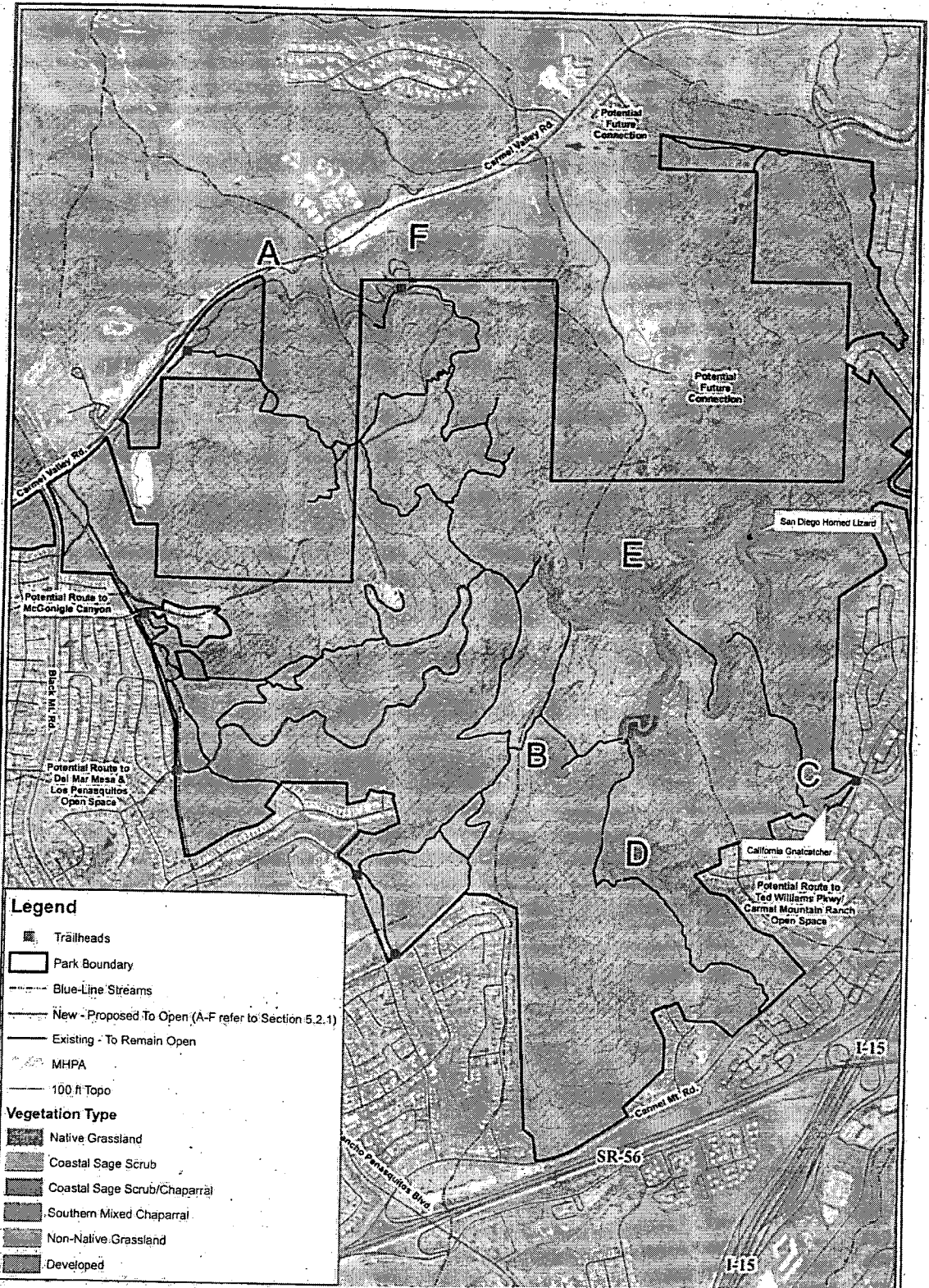
Project Location

Black Mountain Natural Resources Management Plan Project No. 266083

City of San Diego – Development Services Department

FIGURE

No. 1



Trail Location
 Black Mountain Natural Resources Management Plan Project
 No. 266083
 City of San Diego – Development Services Department

No. 2

INITIAL STUDY CHECKLIST

1. Project Title/Project Number: Black Mountain Natural Resources Management Plan: /PTS 266083
2. Lead Agency Name and Address: City of San Diego, Development Services Department, 1222 First Avenue, MS 501, San Diego, CA 92101
3. Contact Person and Phone Number: Jeff Szymanski, Senior Planner (619) 446-5324
4. Project Location: The planning area is bounded by Black Mountain Road to the north and west, and Carmel Mountain Road to the south and east. The Black Mountain Open Space Park is a composite of the existing 1,014-acre Park to the north and the recently acquired 538-acre Montana Mirador site to the south. The project is located in the Rancho Penasquitos and Black Mountain Community Plan areas and within the City of San Diego's Multi-Habitat Planning Area (MHPA).
5. Project Applicant/Sponsor's Name and Address: City of San Diego, Park and Recreation Department, Open Space Division. Contact: Laura Ball 202 C Street, (MS 5D) San Diego, CA 92101 (619) 685-1301
6. General Plan Designation: Open Space
7. Zoning: Base Zones: AR 1-1 (agricultural) and RS 1-14 (residential)
8. Description of Project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.): SITE DEVELOPMENT PERMIT (SDP) and COMMUNITY PLAN AMENDMENT for the adoption of the Black Mountain Open Space Natural Resources Management Plan (NRMP) for the Black Mountain Open Space Park (Plan). The Plan would provide guidance for the present and future use and maintenance of the Park, as well as Area Specific Management Directives (ASMDs) which satisfy the requirements of the City's MSCP Implementing Agreement for Black Mountain Open Space. The NRMP contains a proposal to revise the existing trail system on Black Mountain through closure of 11.9 miles of existing trails and development of 3.45 miles of new trail segments, which would result in impacts to biological resources.

The Plan is intended not only to make provisions for the protection and preservation of the natural resources, especially sensitive resources, but also to allow safe and accessible use of the Park to meet the needs of the present and future communities through the trail plan (Figure 2). The Plan provides for maintenance of the quality of the Park's natural environment and associated visual enjoyment of the Park's open space. In addition, this Plan is intended to identify management needs for three hundred twenty-five acres that were used to mitigate biological impacts to sensitive upland habitats associated with the San Diego County Water Authority (CWA) Emergency Storage Project (ESP). Management and monitoring of the site is required by the U.S. Fish and Wildlife Service (Biological Opinion (BO) 1-6-97-F-13) and shall be conducted in accordance with this Plan upon approval. The Plan is also intended to compliment any future Park master plan, which would include management directives for any potential new recreation sites within the Plan area.

The above mentioned trail plan for the project is the result of a comprehensive trail analysis completed for the Black Mountain Open Space Park NRMP. Following review against multiple criteria each trail segment was categorized as Existing – Permanently Closed, Existing – To Remain Open, Existing – Proposed for Closure, or New – Proposed to Open. The resulting trail plan proposes closure of 11.97 miles of existing trail segments that are unsafe, difficult to maintain,

redundant and/or negatively affect habitat values, as well as development of 3.45 miles of new segments of safe, sustainable trails in areas of moderate-to-low biological sensitivity.

9. Surrounding land uses and setting: Briefly describe the project's surroundings: Predominately single and multi unit residential
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): No additional public agency permits would be required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|-------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service System |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Mandatory Findings Significance |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
-------	--------------------------------	----------------------------------------------------	------------------------------	-----------

I) AESTHETICS – Would the project:

- a) Have a substantial adverse effect on a scenic vista?

The project would not substantially change the existing visual character of the area as the Plan would establish guidelines for present and future use and maintenance of the Park while protecting natural resources. The trail creation component of the project would require the removal of some vegetation but this action would not substantially alter scenic vistas. The Plan is not proposing to construct any above ground structures that would substantially affect a scenic vista or visual corridor so impacts in this category would not occur.

- b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Please see Ia. In addition there are no designated trees, rock outcroppings or historic buildings within the project's Area of Potential Effect (APE). The trail plan system has been designed to minimize impacts to natural resources in the area. Additionally the project would not be located within a designated scenic highway. Therefore, the project would not damage scenic resources.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Please see I a. The project is being proposed to establish guidelines for present and future use and maintenance of the Park while protecting natural resources. The amount of vegetation removal required for the new trails would not substantially degrade the visual quality of the Park and its surroundings and aesthetic qualities would not be negatively impacted.

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The project is not proposing any new light sources. Furthermore, the trail project is not proposing to construct structures or facilities that have the size or scope to adversely affect day or nighttime views in the area.

II) AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located within City owned Open Space but is zoned as Agricultural. However, this area is not classified as Farmland of Statewide Importance by the Farmland Mapping and Monitoring Program (FMMP). The Plan area is not currently being used for agricultural purposes and much of the project site is located on slopes that are not conducive for agricultural purposes. The project is not proposing to re-zone the park, and therefore, a substantial conversion of Farmland of Statewide Importance would not occur. Furthermore, the approval of the project would not preclude future agricultural practices at the site. Therefore, the project would not convert farmland to non-agricultural uses.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Please see II a. No conflict would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The Plan area and land surrounding the project is not zoned as forest land. Therefore, the project would not conflict with existing zoning for forest land.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The Plan area is not zoned as forest land. Therefore, the project would not conflict with existing zoning for forest land. Therefore, the project would not convert forest land to non-forest use.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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As proposed the project would require only minimal changes to the environment. The creation of the new

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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trails within the Plan area would not drastically change the existing environment of the area and would not result in the conversion of farmland to non-agricultural uses.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations - Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

The project is being proposed to establish guidelines for present and future use and maintenance of the park while protecting natural resources. The implementation of the plan and construction of the trails would only require the use of hand tools with limited use of heavy machinery. The project does not have the scope which would potential conflict with air quality plans.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Please see III a.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

As described above, construction operations would only consist of the use of hand tools and limited heavy machinery such as bobcats; therefore, harmful emissions would not be released into the air. The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

- d) Expose sensitive receptors to substantial pollutant concentrations?

No pollutants would be created by the use and construction of the project and sensitive receptors have not been identified in the area.

- e) Create objectionable odors affecting a substantial number of people?

Implementation of the Plan and operation and construction of the trail would not have the potential to create objectionable odors. Therefore, the project would not create substantial amounts of objectionable odors affecting a substantial number of people.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES – Would the project:

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| <p>a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

The project is being proposed to establish guidelines for present and future use and maintenance of the Park while protecting the natural resources. Enhancement and restoration guidelines provided in the Plan include: the elimination of non-native, exotic plants and their replacement with native vegetation; a controlled or prescribed burn program to stimulate coastal sage and chaparral vegetation; the posting of “No Entry” signs for areas supporting sensitive plants and animals including sensitive bird species nesting sites and sensitive plant areas; specific management and enhancement options for MSCP covered species; and periodic monitoring of natural resources.

Suggested guidelines for interpretive and research opportunities include: use of signs with rustic appearance; limitation of interior Park signs; placement of kiosks at major access locations for information and interpretive signs and brochures; installation of an interpretive facility focused on natural history and biological and cultural resources; and encouragement of research to gather unknown information on natural and cultural resources. The Plan also includes a trails plan that would satisfy this area of the City-Wide Trails Master Plan. Implementation responsibilities of the various departments at the City of San Diego, Citizen Advisory Committee, and other local community groups associated with the Park are also discussed.

As proposed the implantation of the Plan would not result in impacts to biological resources but the creation of new trails would. Therefore, a biological report (Miller, Biologist III, City of San Diego’s Park and Recreation Department Open Space Division, April 2012), was prepared to assess potential impacts to sensitive biological resources from the implementation of the plan. The biological report consisted of: vegetation mapping, a sensitive plant species assessment, and a general wildlife survey. The biological survey report is available for review at the offices of the Advanced Planning and Engineering Division.

Prior to field surveys, Geographic Information System (GIS) maps were created to review relevant data such as aerial photographs, the California Department of Fish and Wildlife, California Natural Diversity Database (CNDDDB), San Diego County Bird Atlas data, animal and rare surveys conducted for the NRMP, and MSCP monitoring data. The field surveys were conducted on March 18, 2011,

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>from 9:00 AM – 3:30 PM; March 30, 2011, from 10:30 AM – 4 PM; April 14, 2011, from 12 noon – 4 PM; May 26, 2011, from 12 noon – 3:30; June 7, 2011, from 1:30 AM – 1 PM; and August 3, 2011, from 8 AM – 10 AM.</p>				

The survey identified Diegan Coastal Sage Scrub, Coastal Sage Scrub/Chaparral, Southern Mixed Chaparral, Non-Native Grassland, and Developed Land are found within 100-feet of the proposed new trails. Focused rare plant surveys were conducted where potential trail alignments passed historic populations of variegated dudleya (*Dudleya variegata*) and coast barrel cactus (*Ferocactus viridescens*); these trails were deleted from the proposed trail system in order to avoid all sensitive plant populations.

One federally threatened species, California Gnatcatcher, was observed on-site. In addition, the following sensitive animal species were observed during general surveys for the NRMP or the project-specific biology surveys conducted for the trail system: Orange-throated whiptail, San Diego horned lizard, red diamond rattlesnake, Northern harrier, Cooper’s hawk, Southern California rufous-crowned sparrow, Bell’s sage sparrow, sharp-shinned hawk, mule deer and mountain lion.

As mentioned above the NRMP does not propose adverse impacts to biologically sensitive resources except for the proposed trail system development. The proposed trail system is the result of a comprehensive trail analysis completed as part of the Black Mountain Open Space Park NRMP. First, a trail inventory was completed using handheld GPS devices to map all existing trails within the Park and record associated information such a trail use(s), width, condition, etc. Each existing trail segment was reviewed against the analysis criteria: habitat sensitivity (e.g. vegetation type, Park-wide sensitive plant and animal surveys conducted for the NRMP), locations of mitigation sites within the Park (e.g. Montana Mirador), erosion, maintenance, redundancy, trail experience and connectivity, and safety metrics such as steepness, sightlines and other factors. Based on these criteria, all existing trail segments were categorized as Existing – Permanently Closed, Existing – Proposed for Closure, or Existing – To Remain Open. An additional category for new trail segments, labeled New – Proposed to Open, was also included. To minimize impacts to vegetation, New – Proposed to Open trail segments were proposed only when necessary to connect Existing – To Remain Open segments, and to replace Existing – Proposed for Closure trails that do not meet safety requirements or negatively impact sensitive habitat.

Existing – Permanently Closed trail segments (21,237 feet or 4.02miles) are fenced and signed with “Closed Area – Habitat Restoration in Progress” signs, and are currently being passively or actively re-vegetated. Existing – Proposed for Closure trail segments (41,598 feet or 7.88 miles) will be fenced, brushed shut and/or signed for closure upon the approval of this project and actively or passively re-vegetated. Therefore, this project proposes to formalize and implement the closure of a total of 11.9 miles of trails, resulting in improved habitat quality of at least 5.8 acres within the MHPA.

Existing – To Remain Open trail segments (75,628 feet or 14.32) will not be altered (e.g. widened) through the proposed project; therefore, no impacts are associated with existing trails proposed to remain open.

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New – Proposed to Open trail segments (16,933 feet or 3.20 miles) would develop single-track trail segments and the ADA-accessible Trail for All People segment (1,267 feet or 0.24 miles), resulting in impacts to 2.45 acres of upland vegetation within the MHPA. The tread width for the Trail for All People segment will be five feet wide, and the construction impacts are based on engineering requirements. The completed trail tread for all other new segments is expected to be two to three feet in width with a maximum of four feet. Construction impacts were calculated for a uniform four foot trail to include trail tread, erosion control, BMPs, future maintenance needs, and cut and fill as necessary based on segment-specific slope. In order to minimize construction impacts associated with cut-and-fill within the MHPA, a maximum three-foot wide trail tread will be utilized on slopes greater than 20 percent. The trail tread in these new segments will be composed of dirt.

Construction methods for the Trail for All People will include small machinery and power tools; this segment will be finished with porous concrete.

Other new trails will be constructed by hand clearing with power tools such as chainsaws and weed whips. A walk-behind chipper may be used within the impact footprint and existing ruderal areas and staging areas. Final trail tread grades will be established with hand-held tools including power tools such as jackhammers and hand-held compactors. The proposed system includes seven existing access points: within Park vehicle parking areas are available at the Nighthawk Trailhead and the Minder's Ridge Loop Trailhead, with on-street parking available at the other access points.

The proposed trail segments would remain less than four feet in width in most places with the exception of the Trail for All People segment, which will be wider to accommodate ADA access. Impacts of four feet for all single track segments are analyzed here to provide for construction impacts and future maintenance activities. Impacts from the Trail for All People segment are analyzed based on the engineering requirements. The proposed width of four feet or less will limit impacts to sensitive biological resources. If off-trail use is noted during trail maintenance surveys, areas of concern will be signed and/or barriers will be installed as necessary.

Based on a GIS analysis of the vegetation map overlaid with the New – Proposed to Open trail segments, the proposed project would impact 0.86 to 0.55 acre of Diegan Coastal Sage Scrub, 0.09 acre of Coastal Sage Scrub/Chaparral, 1.79 to 1.77 acres of Southern Mixed Chaparral, and 0.04 acres of Non-Native Grassland (see Table 1). The project would not impact Narrow Endemic Species.

One federally threatened species, California gnatcatcher, was observed on-site. In addition, MSCP-covered San Diego horned lizard, orange-throated whiptail, Northern harrier, Cooper's hawk, Southern California rufous-crowned sparrow, mule deer and mountain lion were observed or detected by sign during the trail project surveys or surveys conducted for the Natural Resource Management Plan. San Diego horned lizard, orange-throated whiptail and Northern harrier are also listed as State Species of Special Concern. Cooper's hawk and Southern California rufous-crowned sparrow were

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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included on the previous Species of Special Concern list but removed from the most recent (2008) list; they are currently included on the State of California Watch List. To limit impacts to the federally listed California gnatcatcher, habitat clearing for trail construction shall occur outside of the California gnatcatcher breeding season (March 1-August 15).

Under the City of San Diego Biology Guidelines (City of San Diego, 2007), project impacts to Tier II Diegan Coastal Sage Scrub, Tier II Coastal Sage Scrub/Chaparral, Tier IIIA Southern Mixed Chaparral, and Tier IIIB Non-native Grassland must be mitigated. Mitigation ratios are included in the table below; no mitigation is required for Tier IV lands.

Table 1. Project Impacts and Mitigation Requirements

Habitat	Project Impact	Required Mitigation	
		If Inside MHPA	If Outside MHPA
Diegan Coastal Sage Scrub (Tier II)	<u>0.86</u> 0.55 acre	<u>0.86</u> 0.55 (1:1)	<u>1.72</u> 1.10 (2:1)
Diegan Coastal Sage Scrub/Chaparral (Tier II)	0.09 acre	0.09 (1:1)	0.18(2:1)
Southern Mixed Chaparral (Tier III A)	<u>1.79</u> 1.77 acres	<u>1.79</u> 1.77 (1:1)	<u>2.69</u> 2.66 (1.5:1)
Non-native Grasslands (Tier III B)	0.04 acre	0.04 (1.1)	0.06 (1.5:1)
Total	<u>2.78</u> 2.45 acres	<u>2.78</u> 2.45 acres	<u>4.65</u> 4.00 acres

The following mitigation measure would reduce the impacts to biological resources to below a level of significance:

1. The applicant shall conserve 0.95 ~~0.64~~ acre of Tier II habitat, 1.79 ~~1.77~~ acres of Tier IIIA, and 0.04 acre of Tier IIIB or higher habitat within the MHPA;
2. Conserve 1.9 ~~1.28~~ acre of Tier II habitat, 2.69 ~~2.66~~ acres of Tier IIIA, and 0.06 acre of Tier IIIB or higher habitat outside of the MHPA;
3. Purchase 2.78 ~~2.45~~ acres of habitat through the City's Habitat Acquisition Fund (HAF);
4. Purchase 2.78 ~~2.45~~ acres of habitat through an approved mitigation bank such as the Cornerstone Lands Mitigation Bank;
5. Debit 2.78 ~~2.45~~ acres of habitat from mitigation credits owned by Park and Recreation.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Two Remain Open segments and one New segment cross relatively small (≤ 4 feet wide) blue-line streams. The Existing – To Remain Open segments will not be altered or expanded, and puncheon bridges spanning the length of the drainage feature will be added within the existing trail footprint if needed to prevent erosion based on the results of annual trail monitoring. In addition, an existing trail segment that includes a drainage crossing will be closed. In order to minimize impacts, only one new trail segment crosses a blue-line stream, and a puncheon bridge will be installed in order to exclude all construction activity and trail use from the drainage area. The proposed bridge would be sited to minimize long-term maintenance needs due to erosion, and during installation, BMPs will be utilized to minimize potential runoff and erosion.

The proposed puncheon bridge design is based on existing structures installed in other locations within the Open Space park system; the design completely spans the stream bed and banks so that construction and long-term use occur entirely within upland habitats. This design minimizes short-term and long-term impacts to the functions and values of the blue-line stream by limiting construction effects and recreational use within the drainage. At drainage crossings without bridge structures, users may widen the trail by selecting multiple crossing routes due to micro-topography, inundation patterns, and vegetation growth over time. Therefore, the proposed puncheon bridge would provide optimal resource protection for the blue-line stream trail crossing.

Although direct impacts to wetlands and riparian habitats are avoided by the project, the trails will cross within the buffer of a blue-line stream. Trails are a permitted use within the wetland buffer (San Diego Municipal Code [SDMC] Section 143.0130), and the proposed trail system maintains the existing wetland functions and values by avoiding direct impacts to the wetland, minimizing the distance where the trail is within the wetland buffer, and providing regular trail monitoring and maintenance. Because of these measures, the project would not result in a loss of function or values of the wetlands and additional Federal and State permits are not anticipated.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Please see section IV b. The project would not impact wetlands.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Black Mountain Open Space Park is identified as an MHPA core biological area (MSCP Plan Figure 2-2). The wildlife surveys conducted for the NRMP show that a functional faunal community utilizes the Park, and the proposed trail system has been designed to minimize potential impacts to these species throughout the project area. With the exception of the ADA accessible Trail for All People segment, all new trail segments will be a maximum width of 4 feet in accordance with the MSCP Subarea Plan Section 1.5.2, which states: For the most part, do not locate trails wider than 4 feet in core areas or wildlife corridors. In addition, 80% (14.26 miles) of the trail segments in the proposed trail system are located along existing dirt roads and trails, in accordance with MSCP Subarea Plan Section 1.5.2, Public Access, Priority 1, No. 2. In addition, the proposed trail plan will reduce the total length of trails within the Park by 4.43 miles.

Recent studies have shown that wildlife often utilize trails for their own movements, especially during nighttime hours (WTI 2008, URS 2009), therefore, the trail system will be closed after sunset to facilitate wildlife movement throughout the area. Given these project features, significant impacts to wildlife use of the core biological area are not anticipated.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Please see section IV a. The project would comply with all applicable policies and ordinances which protect biological resources.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local,

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
regional, or state habitat conservation plan?				

The project is located within the City's Multi-Habitat Planning Area (MHPA), and is required to comply with the MHPA Land Use Adjacency Guidelines. Implementation of these guidelines and mitigation at ratios required pursuant to the City's MSCP Subarea plan and Biology Guidelines, would reduce all impacts to below a level of significance.

V. CULTURAL RESOURCES – Would the project:

- a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?

The purpose and intent of the *Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2)* is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects, which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The project is being proposed to establish guidelines for present and future use and maintenance of the Park while protecting natural resources and would not adversely impact historical resources. However, the trail plan would involve the removal of vegetation and minor grading to accommodate the trails. An archaeological survey and inventory (ASM Affiliates, Inc., February 2007) was conducted to identify resources in order to assist with the management of cultural resources. In addition, to the survey report ASM also prepared the *Black Mountain Open Space Park Cultural Resource Management Plan (2011)*. The record search identified four archeological sites within the Plan area and one isolate. The subsequent pedestrian survey conducted in 2007 discovered five previously unrecorded resources and one isolate. Out of the total of 9 sites identified only one historic resource was determined to be potentially eligible for listing on the National Register of Historic Places and/or on the California Register. The one eligible site is the historic Black Mountain Arsenic Mine.

The trail system was designed to avoid the historic resources identified in the ASM Affiliates report. However, since the 2007 report new segments of the trail system were added. On April 6th 2012 EAS Staff (Jeff Szymanski RPA) and Laura Ball conducted a site visit to the areas not covered under the previous report. These areas are the connecting trail between the Miner's Loop Parking area and the Glider Port/Lusardi Trail (3660 feet long), and then also the Trail For All People (1257 feet long) which is right off of the Miner's Ridge Parking Area. The entirety of these areas were checked for historical resources except in areas that were dominated by steep slopes. However, if rock outcroppings were identified then they were checked for evidence of rock art or quarrying resources. Overall the ground visibility was good especially for the All People's trail segment. No resources or

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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rock outcrops were found during the pedestrian survey and based upon the limited scope of work and overall lack of recorded sites, perhaps due to rugged terrain and paucity of water, resource potential is limited and impacts to historical resources are not anticipated.

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| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Please see V. a). No archaeological sites were identified; therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource.

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| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project is only proposing minor grading and would not result in impacts to paleontological resources.

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| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Based on fieldwork results the potential to encounter human remains are not likely in this area. Please refer to section V.a).

VI. GEOLOGY AND SOILS – Would the project:

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| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is not located within an Alquist-Priolo-Fault Zone and it is not located in proximity to any faults. The project is not proposing to construct structures and is proposing to connect into an existing hiking trail system. A substantial amount of people would not be exposed to geologic hazards as a result of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. According to the City of San Diego's *Seismic Safety Study*, the project area lies within Geologic Hazard Category 53. Category 53 is characterized as level or moderate terrain with an unfavorable geologic structure and a low to moderate risk. See response V. a) i) impacts are not anticipated in this category.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The potential for susceptibility for liquefaction has not been identified on the City Seismic Safety Study Geologic Hazard Maps. No impacts are anticipated.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not expose people or structures to the risk of loss, injury, or death involving landslides. See response V. a) i) There would be no impacts in this category.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would be required to remove some vegetation. However the trail would be constructed along contours using trail Best Management Practices that would minimize future erosion and trail maintenance.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Please see VI a ii and iii.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is underlain with huerhuero loam which is characterized by eroded soils on slopes. Life and property would not be at risk due to expansive soil

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would develop a previously undeveloped site for the purposes of improving a trail system and instituting the park management plan. As a result, septic tanks or alternative wastewater systems would not be used. Therefore, no impact with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would result.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The City of San Diego is utilizing the California Air Pollution Control Officers Association (CAPCOA) report "CEQA and Climate Change" (CAPCOA 2009) to determine whether a GHG analysis would be required for submitted projects. The CAPCOA report references a 900 metric ton guideline as a conservative threshold for requiring further analysis and possible mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use associated with projects, and other factors.

The project does not include any staging or parking areas and would not result in an increase in vehicular traffic as measured in average daily trips, energy consumption or water usage. It is anticipated that the trail would be largely used by the local population who would access the trail via foot, bicycle, or horseback. No substantial operational emissions would result. Emissions for the construction of the trail would be minimal since the project would not use heavy machinery other than the use of bobcats. Based upon the scope of work for the management plan and trail construction the project would not result in greater than 900 metric tons of emissions and therefore would result in a less than significant CEQA Greenhouse gas impact and mitigation would not be required.

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Please also see VII a. The project would not conflict with any applicable plans, policies, or regulations related to greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

- a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?

Construction of the project would not require the use of hazardous materials and would not routinely transport, use or dispose of hazardous materials. Therefore, the trail would not create a significant hazard to the public or environment.

- b) Create a significant hazard to the public or the environment through reasonably

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

See VIII a) no public health hazards have been associated with this project.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

See VIII a) no public health hazards have been associated with this project.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not included on the Government Code Section 65962.5.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within the boundaries of an airport land use plan. The project is not located within the flight path or within airport overlay zones and therefore would not introduce any new features that would create a flight hazard.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project is not located within 2 miles of a private airstrip. Therefore, the project would not result in a safety hazard that would create flight hazards.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The park management plan and The trail project is connecting into an existing trail system and would not

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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interfere with any adopted emergency plans.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Since the project is not introducing habitable structures to the area the project would not have the potential to expose people and structures to a significant loss, injury or death from a wildland fire.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

- a) Violate any water quality standards or waste discharge requirements?

The trail creation component of the project would be required to remove some vegetation. However they would be constructed along contours using trail Best Management Practices (BMPs) that would minimize future erosion and trail maintenance. Standard BMPs would ensure that the project would not violate water quality standards or adversely affect any downstream resources.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The project does not propose the use of groundwater. Furthermore, the project would not introduce a substantially large amount of new impervious surfaces over ground that could interfere with groundwater recharge. Therefore, the park management plan and trail project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

The trail project is designed to augment and use the existing drainage features of the land. The overall drainage pattern would not be altered

- d) Substantially alter the existing drainage pattern of the site or area, including

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Please see IX.c. Since the project would not substantially alter the existing drainage patterns and would not introduce a large quantity of impermeable surfaces the rate of surface runoff would not be substantially increased.

- e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Trail BMP's, and compliance with the City Stormwater Regulations would prevent or effectively minimize short-term construction and long-term runoff operational impacts. Therefore, the trail project would not contribute runoff water that would exceed the capacity of existing storm water systems.

- f) Otherwise substantially degrade water quality?

Conformance to BMPs for the project and compliance with the City's Stormwater Regulations would prevent or effectively minimize and preclude impacts to water quality.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project would construct a trail and implement a resource management plan no housing is being proposed.

- h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

No structures are being proposed in a 100 year-flood hazard area and the project would not impede or redirect flood flows.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project is not proposing to construct a levee or dam nor would the project be located adjacent to one of these features; therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving or resulting from flooding.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Inundation by seiche, tsunami, or mudflow?

The project would not include any new project features that would increase the risk associated with a seiche, tsunami, or mudflow beyond those of the existing conditions.

X. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?

Implementation of the Plan would involve the development of trails within City owned open space. The trail is connecting into an existing trail system and would not divide communities.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Community Plan Amendment revisions would add planned trail alignments and associated policy language to the Rancho Penasquitos Community Plan to ensure consistency with the Black Mountain Ranch Natural Resources Management Plan. The proposed Plan Amendment would be consistent with the General Plan Conservation element policies that address design, construction, relocation, and maintenance of trails. The proposed amendment would also help implement Recreation Element policies that address the need to balance passive recreation needs of trail use with environmental preservation. No conflicts would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The management plan would not conflict with conservation plan and is intended to better manage resources. However, the new proposed trails are located within the MHPA. Pursuant to Section 1.4 of the City of San Diego MSCP Subarea Plan, passive recreation is considered 'conditionally compatible with the biological objectives of the MSCP' and therefore trails may be allowed within the MHPA. The proposed project would be in conformance with the City of San Diego MSCP Subarea Plan Land Use Adjacency Guidelines (Section 1.4.3) and General Management Directives (Section 1.5.2) for public access, trails and recreation, which are designed to minimize the effects of the proposed trail within the MHPA. The proposed project does not include plantings, lighting, drainage or toxic chemical sources, or brush management requirements; and allowed trail uses will not be excessively noisy. Public access will be directed to the trailhead through use of signs, and barriers will be installed along adjacent private properties to prohibit access. Similar to existing public trails within MHPA open spaces, additional barriers will be installed as needed where the trail nears wetlands, sensitive species populations (i.e. *Adolphia californica*), and based on trail monitoring after the trail is in use. Considerable introduction of

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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noise would be limited to the construction/widening phase: Habitat clearing shall occur outside of the California gnatcatcher breeding season (March 1-August 15). Nesting bird surveys would be conducted prior to any non-mechanized construction during the breeding season; if nests were observed, work would be rescheduled or redirected to other areas.

In addition to compatible use considerations, the project would also need to conform to the City's MSCP Subarea Plan Framework Management Plan General Management Directives (Section 1.5.2) requirements for trails, as follows:

1. Provide sufficient signage to clearly identify public access to the MHPA. Barriers such as vegetation, rocks/boulders or fencing may be necessary to protect highly sensitive areas. Use appropriate type of barrier based on location, setting and use.

The trailhead will be marked with signage to direct public access, and barriers will be installed along adjacent private properties to prohibit access. Additional barriers will be installed as needed along the length of the trail where the trail nears wetlands, sensitive species populations, and based on trail monitoring after the trail is in use.

2. Locate trails, view overlooks, and staging areas in the least sensitive areas of the MHPA. Locate trails along the edges of urban land uses adjacent to the MHPA, or the seam between land uses (e.g., agriculture/habitat), and follow existing dirt roads as much as possible rather than entering habitat or wildlife movement areas. Avoid locating trails between two different habitat types (ecotones) for longer than necessary due to the typically heightened resource sensitivity in those locations.

The proposed trail will use an existing utility access road where appropriate due to topography and existing paths where present in order to minimize impacts to the MHPA. Where topography permits, the trail is located in disturbed habitat adjacent to developed areas. The trail does not follow an ecotone.

3. In general, avoid paving trails unless management and monitoring evidence shows otherwise. Clearly demarcate and monitor trails for degradation and off-trail access and use. Provide trail repair/maintenance as needed. Undertake measures to counter the effects of trail erosion including the use of stone or wood crossjoints, edge plantings of native grasses, and mulching of the trail.

The proposed trail would not be paved, and will be monitored for erosion or inappropriate use and be repaired as necessary.

4. Minimize trail widths to reduce impacts to critical resources. For the most part, do not locate trails wider than four feet in core areas or wildlife corridors. Provide trail fences or other barriers at strategic locations when protection of sensitive resources is required.

The proposed trail would remain less than four feet in width in most places; however, impacts up to four feet were analyzed to provide for potential future trail maintenance. The proposed width of four feet or less will limit impacts to sensitive biological resources. If off-trail use is noted during inspections, areas of concern will be signed and/or barriers will be installed as necessary.

5. Limit the extent and location of equestrian trails to the less sensitive areas of the MHPA. Locate staging areas for equestrian uses at a sufficient distance (e.g., 300-500 feet) from areas with riparian and coastal sage scrub habitats to ensure that the biological values are not impaired.

No equestrian staging areas are proposed. Trails are co-located with existing utility access roads and

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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existing paths where possible.

6. *Limit recreational uses to passive uses such as birdwatching, photography and trail use... Where permitted, restrain pets on leashes.*

Only passive activities would be allowed on the proposed trail, and pursuant to Municipal Code and the MSCP Framework Management Plan, pets would be required to be on leashes at all times on the trail.

7. *Design and maintain trails where possible to drain into a gravel bottom or vegetated (e.g., grass-lined) swale or basin to detain runoff and remove pollutants.*

The proposed trail has been selected to utilize utility access roads and existing paths and because the alignment is at a grade such that minimal erosion and sedimentation impacts would occur.

However because the project is located within the MHPA a Mitigation, Monitoring and Reporting Program (MMRP) detailed in Section V of the Mitigated Negative Declaration (MND) is required. Implementation of this MMRP would reduce the project's indirect impacts to Land Use to below a level of significance.

XI. MINERAL RESOURCES – Would the project?

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The area surrounding the project is not being used for the recovery of mineral resources. Similarly, the area surrounding the project site is not designated for the recovery of mineral resources on the City of San Diego General Plan Land Use Map. Therefore, the park project would not result in the loss of availability of a known mineral resource.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The areas surrounding the project site is not designated for the recovery of mineral resources on the City of San Diego General Plan Land Use Map. Therefore, the park project would not result in the loss of availability of a locally important mineral resource recovery site.

XII. NOISE – Would the project result in:

- a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance; or applicable standards of other agencies?

The trail project does not have the capability of generating excessive amounts of noise. No noise ordinances or thresholds would be exceeded.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels? Please see XII a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Please see XII a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project? Construction of the proposed trails would result in a temporary minimal increase in the ambient noise levels in the project vicinity. However, based upon the temporary nature of the construction of the trail using hand equipment, and surrounding noise levels in the area resulting from traffic along the streets the increase in ambient noise would be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is not located within the boundaries of an existing airport land use plan and therefore the project could not expose people residing or working in the project area to excessive noise levels beyond those associated with the existing conditions.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is not located within proximity to a private airstrip and therefore the project could not expose people residing or working in the project area to excessive noise levels beyond those associated with the existing conditions. No impacts would result.

XIII. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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indirectly (for example, through extension of roads or other infrastructure)?

The project would construct a hiking trail on City-owned open space and would implement a natural resource plan. The project would not extend any existing roadways into an undeveloped area or introduce any new roadways that could induce growth. Therefore, the project would not induce substantial population growth.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Because the project would develop a trail and is not removing any existing housing the action would not result in the displacement of any existing housing, or otherwise affect existing housing in any way that would necessitate the construction of replacement housing.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Because the project would construct a trail the action would not result in the displacement of people which would necessitate the construction of replacement housing.

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- i) Fire Protection

Since the Plan would not result in population growth the project would not trigger the need to construct or alter governmental facilities including fire protection facilities.

- ii) Police Protection

The project would not physically alter any police protection facilities. The construction of a trail would not trigger the need to construct or alter police protection facilities.

- iii) Schools

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would not trigger the need to physically alter any schools. Additionally, the project would not include construction of future housing or induce growth that could increase demand for schools in the area.

v) Parks

The project involves the construction of a trail and would not require the construction of new parks.

vi) Other public facilities

The trail would not increase the demand for electricity, gas, or other public facilities.

XV. RECREATION –

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The trail project would connect into an existing trail system and was analyzed in the Plan, no impacts would occur in this category.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The project is building a trail which is a recreational facility. The construction of the trail would result in impacts to the biological resources. The project is incorporating an MMRP which reduces all impacts to below a level of significance.

XVI. TRANSPORTATION/TRAFFIC – Would the project?

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The project would not have the scope or scale that would introduce a substantial amount of vehicle trips

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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into the area. Therefore no conflicts with circulation systems would occur.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

See XVI a) the project would not introduce level of service issues that would conflict with any such management programs.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The trail project does not include any structures or new features that would exceed height requirements. Therefore, the project would not affect air traffic patterns or introduce new safety hazards related to air traffic.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project was designed to meet City design standards and, therefore, would meet existing levels of safety.

- e) Result in inadequate emergency access?

The project does not have the scope or scale that would affect any emergency access areas.

- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The project is consistent with the community plan designation and underlying zone and would not result in any conflicts regarding policies, plans, or programs regarding public transit, bicycle or pedestrian facilities.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
The project would result in standard consumption and is not anticipated to result in additional impacts and would not exceed the requirements of the Regional Water Quality Control Board.				

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Please see XVII, the construction of new water or wastewater facilities would not be required.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project would not result in a substantial increase in impervious surface area and would not result in substantial quantities of runoff which would require new or expanded treatment facilities. Therefore, the proposed project would not require the construction of new storm water drainage facilities or expansion of existing facilities.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The project would not require a substantial need for water resources and consumption would be minimal therefore the trail would not impact existing water supplies.

- e) Result in a determination by the wastewater treatment provided which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The project would not generate wastewater and, therefore, would not impact existing wastewater treatment provider.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Construction of the project would likely generate minimal waste associated with construction activities. This waste would be disposed of in conformance with all applicable local and state regulations pertaining to solid waste including permitting capacity of the landfill serving the project area. Materials able to be recycled shall be done to local standards regulating such activity. Operation of the project would generate minimal solid waste associated with this category and, therefore, would not affect the permitted capacity

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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of the landfill serve the project area.

- g) Comply with federal, state, and local statutes and regulation related to solid waste?

Please see XVII.f. Any waste generated by the project would comply with all related statutes and regulations. No impacts would occur in this category.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project would result in impacts to Biological Resources and Land Use (MHPA). However, implementation of the MMRP in section IV of the MND would reduce potential impacts to these resources to below a level of significance and would not result in degradation to the environment.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable futures projects)?

As mentioned above the proposed trails would result in impacts to Biological Resources and Land Use (MHPA). Mitigation for upland impacts has been incorporated. Impacts associated with this project combined with other closely related past, present, and reasonably foreseeable future projects would not result in a considerable incremental contribution to any cumulative impact.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Biological Resources and Land Use (MHPA). However, with the implementation of mitigation identified in Section V of this MND the project would not have environmental effects which would cause substantial direct or indirect adverse effects on human beings.

INITIAL STUDY CHECKLIST

REFERENCES

I. AESTHETICS / NEIGHBORHOOD CHARACTER

- City of San Diego General Plan.
- Community Plan.
- Local Coastal Plan.

II. AGRICULTURAL RESOURCES & FOREST RESOURCES

- City of San Diego General Plan.
- U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
- California Agricultural Land Evaluation and Site Assessment Model (1997)
- Site Specific Report:

III. AIR QUALITY

- California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.
- Regional Air Quality Strategies (RAQS) - APCD.
- Site Specific Report:

IV. BIOLOGY

- City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996.
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- Community Plan - Resource Element.
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- City of San Diego Land Development Code Biology Guidelines.
- Site Specific Reports: *Biological Resources Report for the Black Mountain Natural Resource Management Plan Project* (City of San Diego Park and Recreation Department, Betsy Miller Biologist III and Laura Ball, April 2012).

V. CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES)

- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List.
- Community Historical Survey:
- Site Specific Report: *Black Mountain Open Space Park Cultural and Historic Resource Survey*, (ASM Affiliates, INC, 2007). And *Black Mountain Open Space Park Cultural Resource Management Plan* (ASM, 2011).

VI. GEOLOGY/SOILS

- City of San Diego Seismic Safety Study.
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- Site Specific Reports:

VII. GREENHOUSE GAS EMISSIONS

- Site Specific Report:

VIII. HAZARDS AND HAZARDOUS MATERIALS

- San Diego County Hazardous Materials Environmental Assessment Listing
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized.
- Airport Land Use Compatibility Plan.
- Site Specific Report:

IX. HYDROLOGY/WATER QUALITY

- Flood Insurance Rate Map (FIRM).
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html.
- Site Specific Report:

X. LAND USE AND PLANNING

- City of San Diego General Plan.
- Community Plan.
- Airport Land Use Compatibility Plan
- City of San Diego Zoning Maps
- FAA Determination

XI. MINERAL RESOURCES

- California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.
- Division of Mines and Geology, Special Report 153 - Significant Resources Maps.
- California Geological Survey - SMARA Mineral Land Classification Maps.
- Site Specific Report:

XII. NOISE

- Community Plan
- San Diego International Airport Master Plan CNEL Maps.
- MCAS Miramar ACLUP
- Brown Field Airport Master Plan CNEL Maps.
- Montgomery Field CNEL Maps.
- San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- City of San Diego General Plan.
- Site Specific Report:

XIII. PALEONTOLOGICAL RESOURCES

- City of San Diego Paleontological Guidelines.
- Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
- Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.
- Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

Site Specific Report:

XIV. POPULATION / HOUSING

- City of San Diego General Plan.
- Community Plan.
- Series 11 Population Forecasts, SANDAG.
- Other:

XV. PUBLIC SERVICES

- City of San Diego General Plan.
- Community Plan.

XVI. RECREATIONAL RESOURCES

- City of San Diego General Plan.
- Community Plan.
- Department of Park and Recreation
- City of San Diego - San Diego Regional Bicycling Map
- Additional Resources: San Dieguito River Park Concept Plan.

XVII. TRANSPORTATION / CIRCULATION

- City of San Diego General Plan.
- Community Plan.
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- San Diego Region Weekday Traffic Volumes, SANDAG.
- Site Specific Report:

XVIII. UTILITIES

- City of San Diego General Plan.
- Community Plan.
- Site Specific Report:

XIX. WATER CONSERVATION

- City of San Diego General Plan.
- Community Plan.

____ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

____ Site Specific Report:

Passed by the Council of The City of San Diego on APR 29 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 29 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308919