

RESOLUTION NUMBER R- 310986

DATE OF FINAL PASSAGE MAR 07 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THREE APPEALS AND UPHOLDING THE ENVIRONMENTAL DETERMINATION FOR A CONTRACT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE WILDLIFE SERVICES FOR PREDATOR MANAGEMENT AT THE MISSION BAY LEAST TERN SITES AND NORTHERN WILDLIFE PRESERVE.

WHEREAS, the City of San Diego desires to execute a contract with the United States Department of Agriculture, Animal and Plant Health Inspection Service Wildlife Services (USDA) for predator management services at the Mission Bay least tern sites and Northern Wildlife Preserve (Project); and

WHEREAS, the purpose of the Project is to protect endangered California least terns and endangered light-footed Ridgway's rails and their nests from predation at nesting sites in Mission Bay and at the Northern Wildlife Preserve; and

WHEREAS, on December 23, 2016, the City of San Diego's Planning Department determined the Project to be exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) pursuant to CEQA Guideline sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment); and

WHEREAS, on January 6, 2017, Dr. Gary Weitzman on behalf of the San Diego Humane Society filed an Environmental Determination Appeal Application for the Project; on January 10, 2017, San Diego Animal Advocates filed an Environmental Determination Appeal Application for the Project; and, on January 11, 2017, San Diego Sierra Club filed an Environmental

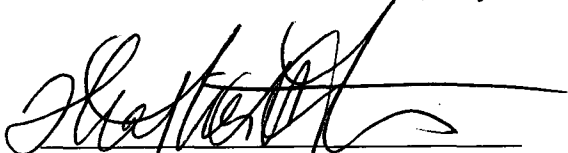
Determination Appeal Application for the Project (collectively, the Appeals). The Appeals each stated that CEQA Guidelines sections 15307 and 15308 do not apply to the Project; and

WHEREAS, the Appeals were heard by the Council of the City of San Diego (City Council) on March 7, 2017; 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the three appeals to the determination that the Project is exempt from CEQA pursuant to CEQA Guideline sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) are hereby denied and that based upon the evidence in the record, the environmental determination is upheld.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heather M. Ferbert
Deputy City Attorney

HMF:mcm/nja
03/09/17
Or.Dept: Planning
Doc. No. 1455900

Passed by the Council of The City of San Diego on MAR 07 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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"/>
Chris Cate	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 07 2017

(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:

(Seal)

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

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

By Linda Arwin, Deputy

Office of the City Clerk, San Diego, California

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