

**NOTICE OF DETERMINATION
(SUBSEQUENT ACTION)**

(Check one or both)

TO: Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
City Planning Department
202 C Street, Floor 5, MS 413
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

PROJECT NUMBER: PRJ-1074841

STATE CLEARINGHOUSE NUMBER: 2017071022

PROJECT TITLE: Otay Reed Mitigation Site

PROJECT LOCATION: The proposed Otay Reed Mitigation project (project) site is in Township 18S, Range 2W, in the Imperial Beach U.S. Geological Survey (USGS) 7.5-minute quadrangle map. It is located within the Otay Valley Regional Park (OVRP) in the Otay Mesa-Nestor Community Planning area in Council District 8. The project is located along the Otay River, immediately west of Interstate 805 and south of Rancho Drive. The project site (Assessor Parcel Numbers 62407026 and 62407022) is owned by the City of San Diego (City) and is located partially within the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) Subarea Plan (see Figure 1).

DESCRIPTION OF PREVIOUS ACTIONS: The Municipal Waterways Maintenance Plan (MWMP) provides the regulatory guidance and parameters for the City's Stormwater Department to maintain and repair existing storm water facilities necessary to reduce and manage flood risk. The MWMP provides both a project-level and program-level analysis for specific maintenance and repair activities in areas where potential local, state, and federally regulated impacts may be necessary and includes:

- A list of Facility Maintenance Plans (FMPs) that provide project-specific details and requirements for the majority of facilities that are likely to require routine maintenance and repair.
- A range of plan-wide activities that may occur throughout the storm water system where flood risks may arise and that will be conducted in accordance with a regulatory framework identified under the MWMP and associated permits. These plan-wide activities include:
 - Minor maintenance activities;
 - Changed conditions for new or substantially amended FMPs;
 - Compensatory mitigation sites; and
 - Emergency maintenance or repair.

Together, these two components provide operational flexibility while also providing specific, detailed analysis for the majority of anticipated maintenance and repair activities.

DESCRIPTION OF SUBSEQUENT ACTION: The project involves the approval of the Otay Reed Mitigation Site project (project) in accordance with the Substantial Conformance Review (Process Two) for consistency with the Municipal Waterways Maintenance Plan Site Development Permit and Final Environmental Impact Report (PTS No. 616992, SDP No. 2392210, EIR SCH No. 2017071022).

The project involves the development of a compensatory mitigation area consisting of the creation, restoration, and enhancement of wetland habitat at the Otay Reed Wetland Mitigation site. The project, through implementation of a Wetland Habitat Mitigation and Monitoring Plan (HMMP), will provide mitigation for impacts to aquatic resources (as required by the U.S. Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], California Department of Fish and Wildlife [CDFW], and City) from the 2015-2016 Operations and Maintenance (O&M) emergency channel maintenance projects that occurred in the Pueblo San Diego watershed at Auburn Creek (specifically Map 70 of the Master Storm Water System Maintenance Program [MMP] and Home Segment 1 of the MWMP). It would also provide Advanced Permittee Responsible Mitigation (APRM) for future maintenance projects in the Primary Service Area (San Diego Bay, San Diego River and Tijuana River Watershed Management Areas [WMAs]) and the Secondary Service Area (Mission Bay, Los Peñasquitos, and San Dieguito River WMAs). Projects located within the Primary Service Area will be given priority over those located in the Secondary Service Area for fulfillment of mitigation at the Otay Reed Mitigation site.

The HMMP proposes a total of up to 5.00 acres of USACE/RWQCB jurisdictional wetland waters mitigation, 5.04 acres of CDFW riparian habitat mitigation, and 5.21 acres of City mitigation that includes 5.04 acres of wetland and 0.17-acre of upland habitats. The proposed mitigation site is approximately 6.48 acres and includes approximately 581.5 linear feet of the Otay River. The total project acreage includes the proposed 5.04-acre wetland mitigation areas, 0.17-acre upland mitigation area, 1.21-acre weed free buffer area, 0.01-acre guy wire access area, and 0.07-acre staging/stockpiling area (including 0.02-acre overlap with proposed weed free buffer area). Proposed wetland habitat mitigation consists of up to 5.04 acres of wetland habitat establishment (creation), restoration (re-establishment/ rehabilitation), and enhancement to offset impacts resulting from the Stormwater Department's past MMP and future MWMP channel maintenance activities outside the Coastal Zone and within the WMAs listed above. Specifically, and depending on the agency, the mitigation site will provide up to 0.21 acre of wetland establishment (creation), 0.22 acre of re-establishment (restoration), 1.67 acres of wetland rehabilitation (restoration), 2.94 acres of wetland enhancement, and 0.17 acre of upland restoration (Tier 1 - maritime succulent scrub). Mitigation will be achieved through the establishment (creation)/re-establishment (restoration) of wetland habitat in place of disturbed land and Eucalyptus Woodland (EW); rehabilitation (restoration) of EW, disturbed wetland (Arundo-dominated), and tamarisk scrub; and enhancement of Southern Willow Scrub (SWS) and Mule Fat Scrub (MFS).

Grading activities will involve the use of large earth-moving equipment (i.e. motor grader, excavator, backhoe loader, bulldozer, and dump truck) to excavate 0.5-acre of the total 6.48-acre project site. At the northern portion of the project site, grading will involve lowering existing elevations between 0.5 and 18 feet below the existing ground level, designed to decrease the potential for erosion. Minimal grading will occur on the southern portion of the project site to lower the elevation, by one to two feet, to the elevation of the surrounding wetlands. Targeted removal of invasive non-native species, including tree species and annual herbaceous non-native species, will occur within the entire project site, and may occur prior to or during grading activities. Appropriate herbicide (i.e., wetland-approved herbicides) may be used during non-native plant control, if necessary. Once grading and non-native plant removal has been completed, a mixture of container plantings, cuttings, and seed will be installed in the mitigation area, as specified in the planting plan of the HMMP.

This mitigation project conforms with the City's MSCP Subarea Plan because the mitigation area will be converted from its current disturbed habitat state into improved native habitat (via grading, non-native plant removal, native planting/seeding, and maintenance) that will provide increased and improved hydrologic, biogeochemical, and habitat functions and services. Specifically, drainage functions will be

improved, and non-native plant species will be treated and removed, reducing seed sources and providing improved habitat for native flora and fauna, allowing for native plant recruitment. Construction is anticipated to commence in Fall 2024 (outside of the City's bird breeding season; January 15 to September 15) and is expected to last approximately four months.

The project site is located partially within the MHPA of the City's MSCP; therefore, an MHPA Boundary Line Adjustment in accordance with the MWMP Section 4.2.1.2 and the substantial conformance review process adopted with Ordinance No. O-21201 is proposed to fully encompass the project site into the MHPA.

PROJECT APPLICANT: City of San Diego Stormwater Department, 9370 Chesapeake Dr., San Diego, CA 92123. City Contact: Anastasia Brewster, Senior Planner. Telephone: (619) 527-8082. E-mail: ABrewster@sandiego.gov.

This is to advise that the City of San Diego Development Services Department on **December 16, 2024** approved the above described action and made the following determinations:

1. The activity in its approved form will not have significant effects on the environment beyond those identified in the Final Environmental Impact Report (EIR) for the Municipal Waterways Maintenance Plan (Project No. 616992/SCH No. 2017071022) which was certified by the City of San Diego City Council on June 9, 2020 (Resolution No. R-313080).
2. The Final EIR for the Municipal Waterways Maintenance Plan (Project No. 616992/SCH No. 2017071022) was prepared by the City of San Diego and certified by the City of San Diego City Council (Resolution No. R-313080) on June 9, 2020 pursuant to the provisions of CEQA. Environmental staff from the City Planning Department conducted an environmental review for the current action in accordance with CEQA Guidelines Section 15162 and determined that the activity is covered by the previously certified and approved environmental document provided above.
3. Mitigation measures were adopted in association with the Final PEIR certification process for the environmental document referenced above by the City of San Diego City Council and are being implemented as part of this action.
4. Findings were made pursuant to CEQA Guidelines Section 15091 by the City of San Diego City Council in association with the Final EIR certification process for the above-listed environmental document.
5. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted by the City of San Diego City Council in association with the Final PEIR certification process for the above-listed environmental document.
6. Record of project approval may be examined at the address below.

It is hereby certified that the Final EIR, including comments and responses, is available to the general public for review on the City of San Diego's California Environmental Quality Act (CEQA) website: www.sandiego.gov/ceqa/final. All other records are available to the public for review at the office of the City Planning Department, 202 C Street, Floor 5, MS 413, San Diego, CA 92101.

Analyst: Elena Pascual, Senior Planner
City of San Diego City Planning Department
202 C St., MS 413
San Diego, CA 92101

Telephone: (619) 533 - 5928

Filed by: Elena Pascual
Signature

Senior Planner
Title

Reference: California Public Resources Code, Sections 21108 and 21152



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 12/10/19) Previously DFG 753.5a

RECEIPT
 37-2020- 0475
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2017071022

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN DIEGO PLANNING DEPARTMENT	LEAD AGENCY EMAIL --	DATE 06/25/2020
COUNTY/STATE AGENCY OF FILING San Diego County	DOCUMENT NUMBER *2020-0077*	

PROJECT TITLE
 MUNICIPAL WATERWAYS MAINTENANCE PLAN & ASSOCIATED DISCRETIONARY ACTIONS

PROJECT APPLICANT NAME CITY OF SAN DIEGO, TRANSPORTATION AND STORM WATER DEAPRTMENT	PROJECT APPLICANT EMAIL -	PHONE NUMBER (619) 527-7507
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PROJECT APPLICANT ADDRESS 2781 CAMINITO CHOLLAS	CITY SAN DIEGO	STATE CA	ZIP CODE 92105
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,343.25	\$	\$3,343.25
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$	
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,136.50	\$	
200077			
<input type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	\$50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash Credit Check Other 0001779956 TOTAL RECEIVED \$ \$3,393.25

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County K.ORTIZ , Deputy
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200077 NOTICE OF DETERMINATION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Planning Department
9485 Aero Drive, MS 413
San Diego, CA 92123

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FILED

Ernest J. Dronenburg, Jr. Recorder County Clerk

JUN 25 2020

BY K. Ortiz
DEPUTY

Project Number: 616992

State Clearinghouse Number: 2017071022

Permit Numbers: COASTAL DEVELOPMENT PERMIT (CDP) No. 2392208
SITE DEVELOPMENT PERMIT (SDP) No. 2392210

Project Title: MUNICIPAL WATERWAYS MAINTENANCE PLAN & ASSOCIATED DISCRETIONARY ACTIONS

Project location: Citywide / City Council Districts 1-9. The City's municipal separate storm sewer system (MS4) or storm water system is distributed throughout the 342 square-mile metropolitan area. In general, the MS4 conveys storm water runoff from natural and developed areas to receiving waters. The City's MS4 system is an inter-connected system of constructed drains, pipes, and engineered channels that discharge to natural drainages and receiving waters. As a result, the physical characteristics vary with the individual components of the MS4.

Description of Action: CITY COUNCIL APPROVAL of a Coastal Development Permit (CDP) and Site Development Permit (SDP), and an Ordinance for implementation of the Municipal Waterways Maintenance Plan to allow for a subsequent approval process not required in the San Diego Municipal Code (SDMC).

The Municipal Waterways Maintenance Plan (MWMP) provides the regulatory guidance and parameters for the City of San Diego's (City) Transportation & Storm Water Department (TSW) to maintain and repair existing storm water facilities necessary to reduce and manage flood risk. The MWMP provides both a project-level and program-level analysis for the specific maintenance and repair activities in areas where potential local, state, and federally regulated impacts may be necessary and includes:

- A list of Facility Maintenance Plans (FMPs) that provide project-specific details and requirements for the majority of facilities that are likely to require routine maintenance and repair.
- A range of plan-wide activities that may occur throughout the storm water system where flood risks may arise and that will be conducted in accordance with a regulatory framework identified under the MWMP and associated permits.

Together, these two components provide operational flexibility while also providing specific, detailed analysis for the majority of anticipated maintenance and repair activities.

Project-Level Analysis (Facility Maintenance Plans): The MWMP identifies specific channels, ditches, storm drain structures (outlets/inlets), and basins that may require maintenance in the near future. This list of facilities is included in the MWMP for site-specific evaluation and project-level maintenance. For the project-level evaluation, the MWMP includes 66 FMPs (covering 111 segments and approximately 18 linear miles) that include the following:

- 50 channel/ditch groups – 94 segments
- 6 basins groups – 7 segments
- 10 structure groups covering 10 structures

Program-Level Analysis (Other Activities): The MWMP also includes a program-level analysis and process to handle and address other storm water assets or facilities that are not analyzed at the project-level, as well as certain plan-wide maintenance activities that may also be implemented under the MWMP. The MWMP establishes a process and mitigation framework to address these potential additional related plan-wide programmatic activities, including:

- Minor maintenance activities
- Changed conditions for new or substantially amended FMPs
- Compensatory mitigation sites
- Emergency maintenance or repair

For the plan-wide programmatic evaluation, the following facilities comprise the City's storm water system:

- Approximately 50 miles of channels, ditches, and basins
- 48,561 drainage conveyance facilities (including storm drain pipes and channels)
- 55,334 structures (including Inlets, outlets, cleanouts, and connectors)
- 3,724 drainage best management practice (BMP) facilities
- 85 Capital Improvement Program facilities (outlets, BMPs, and stream restoration)

Project Applicant: City of San Diego, Transportation and Storm Water Department, Storm Water Division, 2781 Caminito Chollas, MS 46, San Diego, CA 92105. Contact: Anne Jarque, Senior Planner/Project Manager, (619) 527-7507.

This is to advise that the City of San Diego City Council on 06/09/2020 approved the above described project and made the following determinations: R-313080

1. The project in its approved form X will ___ will not, have a significant effect on the environment.
2. X An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
3. Mitigation measures X were, ___ were not, made a condition of the approval of the project.
4. (EIR only) Findings X were, ___ were not, made pursuant to CEQA Guidelines Section 15091.
5. (EIR only) A Statement of Overriding Considerations X was, ___ was not, adopted for this project.

Record of project approval may be examined at the address above

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Planning Department, 9485 Aero Drive, MS 413, San Diego, CA 92123.

Analyst: M. Herrmann

Telephone: (619) 446-5372

Filed by:

Stacy Ready
Signature: Stacy Ready

Legislative Recorder II
Title

Reference: California Public Resources Code, Sections 21108 and 21152.



San Diego County



Transaction #: 4713930
Receipt #: 2020302703

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarec.com

Cashier Date: 06/25/2020
Cashier Location: SD

Print Date: 06/25/2020 11:17 am

Payment Summary

Total Fees	\$3,393.25
Total Payments	\$3,393.25
Balance:	\$0.00

Payment

CHECK PAYMENT #0001779956 \$3,393.25

Total Payments \$3,393.25

Miscellaneous Item

FISH & WILDLIFE FEES

Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Fees:	Fish & Wildlife Environmental Impact Report	\$3,343.25
Total Fees Due:		\$3,393.25

Grand Total - All Documents: \$3,393.25