



County of San Diego

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MITIGATED NEGATIVE DECLARATION

July 23, 2020

Project Name: Mapleview Street Green Streets Project

Project Number(s): 1023740

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Attached extended studies for aquatic resources, biological resources, and cultural resources

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. BIOLOGICAL RESOURCES

Temporary impacts to 0.82 acres of non-native grassland and permanent impacts to 0.16 acres of non-native grassland will be mitigated consistent with the Biological Mitigation Ordinance; the mitigation ratio applied would

be either 1:1 or 0.5:1 dependent on if the mitigation site is a biological resource core area (BRCA; the project site is not BRCA). Mitigation can be accomplished through on-site preservation, restoration or creation of non-native grassland (or a biologically equivalent habitat type); or preservation, restoration or creation of non-native grassland (or a biologically equivalent habitat type) offsite within a County habitat preserve. Mitigation could also be accomplished via payment of fees into an authorized private mitigation/conservation bank.

B. GEOLOGY AND SOILS

1. In accordance with the Grading Ordinance, if a fossil or fossil assemblage of greater than twelve inches in any dimension is encountered during excavation, all excavation operations in the area where the fossil or fossil assemblage was found shall be suspended immediately, the Resident Engineer and the County's Environmental Planning Manager shall be notified, and a Qualified Paleontologist shall be retained by the applicant to inspect the find to determine if it is significant. A Qualified Paleontologist is a person who has:

- A Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.);
- Demonstrated knowledge of southern California paleontology and geology; and
- Documented experience in professional paleontological procedures and techniques.

If the Qualified Paleontologist determines that the fossil or fossil assemblage is significant; a mitigation program involving salvage, cleaning, and curation of the fossil(s) and documentation shall be implemented. If no fossils or fossil assemblages of greater than 12 inches in any dimension are encountered during excavation, a "No Fossils Found" letter will be submitted to the County Department of Public Works identifying who conducted the monitoring and that no fossils were found. If one or more fossils or fossil assemblages are found, the Qualified Paleontologist shall prepare a report documenting the mitigation program, including field and laboratory methodology, location and the geologic and stratigraphic setting, list(s) of collected fossils and their paleontological significance, descriptions of any analyses, conclusions, and references cited.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation

measures, their implementation must be assured to avoid potentially significant environmental effects.

A. BIOLOGICAL RESOURCES

1. If construction initiation occurs between January 15 and September 1, a pre-construction nesting bird and raptor survey of the project area and an appropriate buffer of up to 500 feet shall be completed by a qualified biologist prior to vegetation removal. If any active nests are detected, an avian specialist would be consulted to determine the appropriate buffer and other avoidance measures to ensure the project does not affect the success of the nest. The area will be flagged and mapped on construction plans along with a buffer as recommended by the qualified biologist. The buffer area(s) established by the qualified biologist will be avoided until the nesting cycle is complete or it is determined that the nest is no longer active. The qualified biologist shall be a person familiar with bird breeding behavior and capable of identifying the bird species of San Diego County by sign and sound and determining alterations of behavior as a result of human interaction. Buffers will be based on local topography and line of sight, species behavior and tolerance to disturbance, and existing disturbance levels.
2. If construction initiation occurs between June and August, a pre-construction roosting bat survey of palm trees within 100 feet of the project area shall be completed by a qualified biologist. The survey will involve a visual inspection for signs of bat presence, such as guano, insect parts, and staining. If signs of bat presence are detected, buffer area(s) shall be established by the qualified biologist and avoided until September or until roosting bats are no longer present.

B. CULTURAL RESOURCES

1. A Kumeyaay Native American Monitor and on-call archaeologist will be provided during initial project-related ground disturbing activities. If inadvertent discoveries of cultural resources are made, the County, project archaeologist, and appropriate Native American representative shall divert or temporarily halt ground disturbance operations in the area of discovery to assess the significance of the resources and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency shall make provisions for historical or unique archaeological resources inadvertently discovered during construction.

Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall

be the preferred method of preservation for cultural resources. Work could continue in other parts of the project site while historical or unique archaeological resource mitigation takes place. The project archaeologist, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the archaeologist and approved by the County staff archaeologist, then carried out using professional archaeological methods.

2. A Kumeyaay Native American Monitor and on-call archaeologist will be provided during initial project-related ground disturbing activities. If human remains are encountered, consistent with California Health and Safety Code Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin of the remains. Further, consistent with California Public Resources Code Section 5097.98(b), human remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made.

If the County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) shall be contacted within twenty-four (24) hours. The NAHC shall immediately identify the "most likely descendant(s)" (MLD) and notify them of the discovery. The MLD shall make recommendations within forty-eight (48) hours after being allowed access to the site, and engage in consultations with the landowner concerning the treatment of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further construction activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____