



County of San Diego

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MITIGATED NEGATIVE DECLARATION

November 4, 2021

Project Name: Woodside Avenue Sidewalk Improvement Project

Project Number: 1021018

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 Updated Initial Site Assessment, Phase II Environmental Site Assessment and Cultural Resources Survey
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

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by the qualified biologist will be avoided until the nesting cycle is complete, or it is determined that the nest is no longer active.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 sight 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.

B. GEOLOGY AND SOILS

1. A monitoring program implemented by the excavation/grading contractor will be required. Equipment operators and others involved in the excavation should watch for fossils during the normal course of their duties. 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.

C. CULTURAL AND TRIBAL 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.

D. HAZARDOUS MATERIALS

1. A Health and Safety Plan (HSP) will be prepared for construction work near properties with a hazard ranking greater than 1. The HSP will include procedures to protect workers and the public during construction in these areas.
2. A Soil Management Plan will be prepared for construction work near properties with a hazard ranking greater than 2. The soil management plan will include procedures for identifying soil contamination, and present protocols for excavation, on-site management, and off-site disposal of contaminated soil in accordance with federal and state regulations.

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

on _____

Thomas Duffy, Environmental Planning Manager
DPW Environmental Services Unit

Enclosures: Attachment A: Updated Initial Site Assessment
Attachment B: Phase II Environmental Site Assessment
Attachment C: Cultural Resources Survey