MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATED NEGATIVE DECLARATION

FOR

LIVE OAK SPRINGS WATER SYSTEM IMPROVEMENTS PROJECT

State Clearinghouse

Prepared for:

County of San Diego
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Capital Improvements Project
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MITIGATION MONITORING AND REPORTING PROGRAM
LIVE OAK SPRINGS WATER SYSTEM IMPROVEMENTS PROJECT

Mitigation measures have been identified in the Mitigated Negative Declaration for the Live Oak Springs Water System Improvements Project to reduce or eliminate potential environmental impacts. The County of San Diego (County) is required to implement all adopted mitigation measures. In order to ensure compliance, the following mitigation monitoring program has been formulated. This program consists of a checklist followed by a detailed description of the mitigation measures.

These water system improvements and upgrades will benefit the public by bringing the existing water system up to the public water systems standards, creating potable water service reliability and eliminate service interruptions, development of a redundant water source as back-up to the current well, upgrade and replacement of failing and deteriorating water system components and piping, and providing a reliable source of fire suppression during fire seasons.

A mitigation checklist has been prepared for the project. Table 1 summarizes the mitigation measures for Live Oak Springs Water System Improvements Project. Information contained within the checklist clearly identifies the mitigation measure, delineates the monitoring schedule, and defines the conditions required to verify compliance. Following is an explanation of the seven columns that constitute the checklist.

Column 1 **Mitigation Measure**: An inventory of each mitigation measure is provided with a brief description.

Column 2 **Type**: Each mitigation measure is classified as Project Design Mitigation (PD), Ongoing Mitigation (OM), or Long-Term Mitigation (LT) based upon the following definitions:

--- Project Design Mitigation - mitigation that has been incorporated into the project design (e.g., dust control measures, traffic control plan, landscape plan);

--- Ongoing Mitigation - mitigation associated with the project over a period of time (e.g., success of revegetation);

--- Long-Term Mitigation - mitigation which requires monitoring over a greater period of time (e.g., five-year revegetation monitoring program).

Column 3 **Monitor**: Identifies the County department or other public agency that is responsible for determining compliance with the mitigation measure and for informing Department of Public Works (DPW) about compliance.

Column 4 **Schedule**: The monitoring schedule depends upon the progression of the overall

project. Therefore, specific dates are not used within the "Schedule" column. Instead, scheduling describes a logical succession of events (e.g., prior to construction, annual) and if necessary, delineates a follow-up program.

Column 5 **Compliance Action**: The monitor can easily determine a mitigation measure's completion by referring to "Compliance Action". Upon satisfaction of the requirement listed in this column, the mitigation measure is considered complete.

Column 6 **Verification of Compliance**: The monitor verifies completion of the particular mitigation measure by initialing and dating in this column. Where the "Schedule" column indicates annual or other ongoing mitigation measures, verification of compliance may not occur until completion of the project. Provision of all required signatures within the Verification of Compliance column signifies conclusion of the monitoring program.

Column 7 **Remarks**: The status of ongoing and cumulative mitigation measures is to be documented during each visit. The space provided for remarks is obviously too small for the inclusion of the remarks. It is intended that this space be used to indicate whether there are specific comments pertaining to the status of the mitigation measure. If there are additional comments they are to be attached to the checklist. Progress reports are required for the revegetation program. Information provided within progress reports will be helpful in the development of future mitigation programs.

This program is to be adopted by the lead and responsible agencies upon formulation of findings in order to comply with the requirements set forth by Assembly Bill 3180 (Public Resources Code Section 21081.6).

Table 1. Mitigation Measures for Live Oak Springs Water System Improvements Project

	Mitigation Measure	Type	Monitor	Schedule	Compliance Action	Verification of Compliance		
						Initial	Date	Remarks
	BIOLOGICAL RESOURCES							
1	BIO-MIT-1: Minimization of Impacts to Sensitive Biological Resources	PD/OM	DPW Project Biologist	Prior to construction and during construction	• Prior to the start of construction, the qualified biologist would be present to oversee the installation of fencing or staking along the limits of construction for all phases. All areas near but outside of the limits of construction that contain sensitive biological resources would be designated as environmentally sensitive areas and would be avoided. To ensure avoidance, the construction limits would be fenced off using snow fencing or other high-visibility fencing or staking material and clearly marked on construction as-built plans. The qualified biologist would check the protective fencing approximately weekly to ensure it remains in place through the end of the construction period, and the fencing around the limits of construction would be maintained throughout construction. • The qualified biologist would flush sensitive species (i.e., avian or other mobile species) from occupied habitat areas immediately before brush clearing and earthmoving activities. The biological monitor would be authorized to halt all associated project activities that may be in violation of the project mitigation measures. • The qualified biologist would instruct the contractor's personnel in providing daily cover and/or adequate escape ramps/routes for wildlife from excavated areas and oversee compliance by visiting the construction site approximately weekly.			

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					All steep trenches, holes, and excavations during construction would be covered at night with backfill, plywood, metal plates, or other means, and the edges would be covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles would be covered at night to prevent wildlife from burrowing in. The edges of the sheeting would be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations would be inspected to monitor for wildlife entrapment by the contractor's personnel daily and by an approved biologist during site visits. Excavations would provide an earthen ramp to allow for a wildlife escape route.			
2	BIO-MIT-2: Nesting Season Avoidance and Pre-Construction Nesting Bird Survey	PD/OM	DPW Project Biologist	Prior to construction and during construction	• Vegetation grubbing, clearing and trimming should be initiated outside of the bird breeding season (January 15 to September 1) to the extent feasible. • If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside of the general bird breeding season, the qualified biologist would perform a pre-construction nesting bird survey no more than 1 week prior to the start of vegetation grubbing, trimming, or clearing to determine if active bird nests are present in the affected areas. • Should an active bird nest be located, the qualified biologists would establish a buffer and direct vegetation clearing away from the nest until the project biologist has determined that the young			

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					have fledged or the nest has failed. If no nesting birds (including nest building or other breeding or nesting behavior) are on the project site, grubbing, trimming, or clearing would proceed. • In the event that grubbing, trimming, or clearing of vegetation for future phases cannot feasibly occur outside of the general bird breeding season, and are greater than 500 feet away from the previous construction activity, a qualified biologist would perform a pre-construction nesting bird survey no more than 1 week prior to the start of construction.			
3	BIO-MIT-3: Restoration of Sensitive Vegetation Communities	LT	DPW Project Biologist	Post construction	• Direct temporary impacts to approximately 0.008 acre of big sagebrush scrub shall require in-kind revegetation in place at a 1:1 ratio once construction is complete (County of San Diego 2010b). • Temporary impacts to approximately 0.009 acre of non-vegetated channel and approximately 0.001 acre of southern arroyo willow riparian forest (both potentially under the jurisdiction of USACE, RWQCB, and CDFW) shall be mitigated for through on-site restoration or off-site mitigation in accordance with ratio as negotiated with the USACE, RWQCB, and CDFW through the aquatic resources permitting process (BIO-MIT-4: Section IV(c)). • Temporary impacts to approximately 1.44 acres			

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					of non-native grassland shall require revegetation using native grass seed at a 0.5:1 ratio once construction is complete. • Direct permanent impacts to 0.009 acre of non-native grassland shall be mitigated at a ratio of 0.5:1 through on-site revegetation or off-site mitigation of the temporary non-native grassland areas using native grass seed once construction is complete.			
4	BIO-MIT-4: Jurisdictional Aquatic Resources	LT	DPW Project Biologist	Post construction	• Temporary impacts to the 0.009-acre non-vegetated channel and 0.001 acre of southern arroyo willow riparian forest, both potentially under the jurisdiction of the USACE, RWQCB, and CDFW, would be authorized by the USACE through the Section 404 Permit Program, by the RWQCB through a 401 State Water Quality Certification, and by the CDFW through a 1602 Streambed Alteration Agreement. • Approved temporary impacts to the potential federal and state jurisdictional non-vegetated channel and southern arroyo willow riparian forest require mitigation such as on-site habitat restoration, creation, and enhancement. Restoration and mitigation would be determined through negotiations with the resource agencies to the satisfaction of the USACE, RWQCB, and CDFW to achieve a no-net loss of federal and state jurisdictional non-wetland waters and wetlands.			
5	Avoidance of Impacts to Sensitive Plant Species, Including Jacumba	PD	DPW Project	Prior to construction and	• Prior to construction, protective fencing or staking would be installed to mark the limits of			

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	Milk-Vetch and Tecate Tarplant		Biologist	during construction	construction to make the avoidance areas easily identifiable by construction crews. In addition, the limits of construction would be clearly marked on the construction plans, and construction activities outside of the construction limits would be prohibited. • Tecate tarplant can potentially occur on the project site. The chamise chaparral, buck brush chaparral, and scrub oak chaparral vegetation communities would also be avoided to the greatest extent feasible by project construction, thereby avoiding potential impacts to Tecate tarplant.			
6	Standard Water Quality Best Management Practices	PD	DPW Project Biologist	During construction	• A Storm Water Quality Management Plan (SWQMP) was prepared and standard construction BMPs would be implemented, including: dust suppression measures, erosion and sediment control measures (sand and gravel bags, fiber rolls, and silt fencing), use of weed-free erosion control products, spill prevention and control, concrete waste management, solid waste management, and sanitary waste management. • Pursuant to the National Pollution Discharge Elimination System General Construction Permit (Water Quality Order 99-08-DWQ), a Stormwater Pollution Prevention Plan (SWPPP) may be prepared and implemented. The SWPPP would address the potential sources and locations of stormwater contamination characteristics, impacts of specific contaminants, and temporary and			

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					permanent erosion-control practices and would include water sampling data, construction practices that minimize stormwater contamination, coordination of BMPs with planned construction activities, and compliance with County, state, and federal regulations. • The project is designed to use the disturbed habitat areas (primarily the existing dirt roads) for project impacts to avoid temporary and permanent impacts to the majority of the higher quality vegetation communities on the project site. • For all proposed project phases, upon completion of construction, areas disturbed during excavation or grading would be backfilled with native soil and restored using a native species hydroseed and/or plantings.			
	CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES							
7	CUL-MIT-1: Cultural Monitoring	PD	DPW Project Archaeologist	During construction	A County-provided qualified archaeologist and Kumeyaay Native American monitor would be present during the project-related vegetation clearing and grubbing and initial ground-disturbing activities. If inadvertent discoveries of cultural resources are made, the County, project archaeologist, and appropriate Native American representative would divert or temporarily halt ground disturbance operations in the area of discovery to assess the significance of the resources and confer regarding the appropriate			

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					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 would 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 would 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, would determine the significance of the discovered resources. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts would be prepared by the archaeologist and approved by the County, then carried out using professional archaeological methods.			
8	CUL-MIT-2: Inadvertent Archaeological Find	PD/OM	DPW Project Archaeologist	During construction	If during ground disturbance activities, unique cultural resources are discovered, the following procedures would be followed: i. All ground disturbance activities within 100 feet of the discovered cultural resources would be halted until a meeting is convened between the County, project archaeologist, and appropriate			

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					Native American representative to discuss the significance of the find. ii. At the meeting, the significance of the discoveries would be discussed and after consultation with the County, appropriate Native American representative, and the project archaeologist, a decision would be made as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources. iii. Grading of further ground disturbance would not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work would be allowed to continue outside of the buffer area and would be monitored by additional cultural monitors if needed. iv. Treatment and avoidance of the newly discovered resources would be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or reburial-burial on the project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition. v. If the find is determined to be significant and avoidance of the site has not been achieved, a			

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					Phase III Data Recovery Plan would be prepared by the project archaeologist, in consultation with the Tribe, and would be submitted to the County for their review and approval prior to implementation of said plan. vi. Consistent with California Public Resources Code, Section 21083.2(b), and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance would be the preferred method of preservation for cultural resources.			
9	CUL-MIT-3: Cultural Resources Disposition	PD	DPW Project Archaeologist	During construction	The following procedures, in order of preference, would be employed with the tribes and carried out for final disposition of the inadvertent discoveries of Native American cultural resources: i. Preservation in place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources. ii. Reburial of the resources on the project property. The measures for reburial would include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial would not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process would be culturally			

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					appropriate. Listing of contents and location of the reburial would be included in the confidential Phase IV Report. The Phase IV Report would be filed with the County under a confidential cover and not subject to Public Records Request. iii. If preservation in place or reburial is not feasible then the resources would be curated in a culturally appropriate manner at a San Diego County curation facility or Tribal curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the guidelines. The collection and associated records would be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, would be provided to the County. There would be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries would be included in the Phase IV Monitoring Report. The following procedure would be employed for the disposition of historic period cultural materials: i. Historic materials would be curated at a San Diego curation facility and would not be			

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					curated at a Tribal curation facility or repatriated. The collections and associated records, including title, would be transferred to the San Diego curation facility and would be accompanied by payment of the fees necessary for permanent curation. Evidence would be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.			
10	CUL-MIT-4: Fencing of a Known Resource	PD	DPW Project Archaeologist	Prior to construction	Prior to any initial project-related vegetation clearing and grubbing within the project area, a qualified archaeologist and a Kumeyaay Native American monitor would be present on site to oversee the installation of Environmentally Sensitive Area (ESA) fencing around the perimeter of CA-SDI-23150 to avoid impacts to the site.			
11	CUL-MIT-5: Avoidance and Minimization of Impacts to Undiscovered Human Remains	PD	DPW Project Archaeologist	During construction	A qualified archaeologist and a Kumeyaay Native American monitor would 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 would 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 would be left in place and free from disturbance until a final decision as to the treatment and disposition has been made.			

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					If the County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) would be contacted within 24 hours. The NAHC would immediately identify the most likely descendant(s) (MLD) and notify them of the discovery. The MLD would 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 California Public Resources Code, Section 5097.98, has been conducted. Public Resources Code, Section 5097.98; CEQA Guidelines, Section 15064.5; and California Health and Safety Code, Section 7050.5, would be followed.			