



San Dieguito River Park  
 Joint Powers Authority  
 18372 Sycamore Creek Road  
 Escondido, CA 92025  
 (858) 674-2270 Fax (858) 674-2280  
 www.sdrp.org

**JOINT POWERS AUTHORITY  
 BOARD OF DIRECTORS**

Chair Joe LaCava  
 San Diego City Council

Vice-Chair Chris Khoury  
 Citizens Advisory Committee

Brian Pepin  
 Poway City Council

Dwight Worden  
 Del Mar City Council

Christian Garcia  
 Escondido City Council

Marni von Wilpert  
 San Diego City Council

Joel Anderson  
 Supervisor, County of San Diego

Terra Lawson-Remer  
 Supervisor, County of San Diego

Jill MacDonald  
 Solana Beach City Council

Dustin Fuller, Ex Officio  
 22<sup>nd</sup> District Agricultural  
 Association

Shawna Anderson  
 Executive Director

## MITIGATED NEGATIVE DECLARATION

**Project Name:** San Dieguito River Park Osuna Segment of the Coast to Crest Trail

**Project Description:** The San Dieguito River Park Joint Powers Authority (JPA) proposes to construct the 1-mile-long Osuna Segment of the Coast to Crest (CTC) Trail. The CTC Trail is a planned 71-mile-long, non-vehicular, and multi-use regional trail that would ultimately extend from the Pacific Ocean at Del Mar to Volcan Mountain, north of Julian. The CTC Trail is designed for hikers, bicyclists, and equestrians. Approximately 49 miles of the regional trail has been constructed and is now in use. The proposed Osuna Segment of CTC Trail Project (Project) is included in both the JPA-adopted San Dieguito River Park Concept Plan (1994, updated 2002) and the County of San Diego Regional Trails Plan. The Project would extend the existing 3.5-mile western Lagoon Trail segment of the CTC Trail by 1 mile from the eastern end of its current terminus near the soccer fields (former polo fields) to the future San Dieguito Road Pathway. The Project would connect the established lagoon segments of the CTC Trail to the eastern inland trail segments.

**Responsible Agency Actions:** City of San Diego:

- Site Development Permit

California Department of Fish and Game:

- Streambed Alteration Agreement

U.S Army Corps of Engineers:

- Nationwide Permit

**Project Location:** The project is located in the community of Fairbanks Ranch approximately 2 miles east of Interstate 5 between Via de la Valle and San Dieguito Road in San Diego County.

**Project Owner:** San Dieguito River Park Joint Powers Authority

**Determination:** The San Dieguito River Park Joint Powers Authority (JPA) conducted an Initial Study of the project, which determined that the proposed project could have a potentially significant effect on the environment. However, it has been determined that there will not be a significant effect in this case because (1) revisions in the project have been made by the JPA, the project proponent, that would avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record that the project, as revised, may have a significant effect on the environment. Based on this determination and in accordance with CEQA Section 21157.5, a Mitigated Negative Declaration has been prepared.

**Documentation:** The attached Initial Study documents the reasons to support the determination that the proposed project will not have a significant effect on the environment.

The potential for impacts associated with the construction of the full 71 miles of the Coast to Crest Trail was examined in the previously certified San Dieguito River Park Concept Plan Program EIR (State Clearinghouse Number 91121059), which is incorporated by reference into this document. The Program EIR, which was certified by the San Dieguito River Park JPA Board of Directors on February 18, 1994 (updated 2002), addressed program-wide issues such as cumulative impacts and policy alternatives for the various proposals incorporated in the Concept Plan, including the CTC Trail. Program-level mitigation measures were identified in the Final Program EIR to be incorporated into individual park-initiated projects as they are approved. The subject Initial Study is a project-specific evaluation of the environmental impacts and project-specific mitigation measures for the proposed Osuna Segment of the CTC Trail. The project documentation is available for review and download on the JPA's website at [www.sdrp.org](http://www.sdrp.org). The Concept Plan Program EIR is available for public inspection at the San Dieguito River Park office, located at 18372 Sycamore Creek Road, Escondido, CA 92025.

**Mitigation Monitoring and Reporting Program:** In accordance with CEQA Section 21081.6, a Mitigation Monitoring and Reporting Program will be prepared for the project and the mitigation measures have been incorporated into the scope of the project. The measures outlined below shall be stated in the San Dieguito River Park JPA's resolution of approval and within any subsequent permits required for this project. The following mitigation measures have been incorporated into the project.

### **Biological Resources**

**MM-BIO-1: Upland Mitigation.** Prior to Notice to Proceed for any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the owner/permittee shall mitigate for direct impacts (permanent and temporary) to upland habitats including 0.47 acres of Tier II coastal sage scrub (CSS) habitat at a 1:1 ratio for habitat for a total of 0.47 acres. Mitigation will consist of onsite restoration/revegetation of CSS vegetation, within the side slopes and margins of the trail, as well as within non-native habitat areas. Where disturbed habitat and non-native vegetation (i.e., tamarisk and ornamental vegetation) exist adjacent to the trail, the non-native species will be removed, and the areas will be revegetated and enhanced

with native species. A minimum of 0.47 acres of CSS mitigation compensation will be required onsite to compensate for these impacts. The project proposes to restore and enhance 0.47 acres of upland CSS vegetation through exotic species removals and revegetation, which meets the required mitigation acreage. As an option, the City of San Diego's Habitat Acquisition Fund (HAF) program may be used to mitigate for the upland impact.

**MM-BIO-2: Wetlands Mitigation.** Prior to Notice to Proceed for any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the owner/permittee shall mitigate for direct impacts (permanent and temporary) to sensitive riparian habitats including 0.0132 acres of wetland habitat for a total of 0.286 acres. Mitigation will occur onsite through restoration of the side slopes and margins of the trail, where the trail passes through existing wetlands, through revegetation with wetland and riparian vegetation. In addition, within areas adjacent to the trail, where Non-Native Riparian, Arundo-dominated Riparian and Tamarisk Scrub communities exist, the non-native species will be removed and treated, and the areas will be enhanced and revegetated with appropriate wetland and riparian vegetation. In total, a minimum of 0.286 acres of wetland mitigation compensation, composed of wetland restoration and enhancement, will occur onsite as part of the project to compensate for these impacts. The project will also restore 0.17 acres of wetlands and enhance 0.22 acres of wetlands through exotic species removals and revegetation, for a total of 0.39 acres of wetland mitigation which exceeds the required mitigation acreage of 0.286 acres. The project shall implement the wetland restoration and enhancement program shown on the preliminary landscape planting and irrigation plans.

Loss of riparian habitat under the jurisdiction of the U.S. Army Corps of Engineers and California Department of Fish and Wildlife will be offset through restoration and enhancement as described above.

**MM-BIO-3: Installation of Temporary Fencing.** To prevent inadvertent disturbance to areas outside the limits of grading, the contractor shall install temporary orange construction fencing, or utilize existing fencing, along the limits of grading.

**MM-BIO-4: Installation of Permanent Fencing.** To prevent inadvertent disturbance to areas outside the limits of trail over the long term, the contractor shall install permanent fencing along the trail as shown on the project construction plans.

**MM-BIO-5: Construction Monitoring and Reporting.** To prevent inadvertent disturbance to areas outside the limits of grading, all disturbance of native habitat shall be monitored by a biologist during construction. The biological monitor(s) shall be contracted with the JPA to perform biological monitoring during all clearing and grubbing activities and during bridge construction.

The project biologist(s) shall perform the following duties:

- a. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to provide educational guidelines for work within the sensitive habitat areas. The biologist shall discuss measures to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
- b. During clearing and grubbing, the project biologist shall conduct meetings with the contractor and other key construction personnel each morning prior to construction activities in order to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and to minimize and avoid harm to, or harassment of, wildlife prior to clearing and grubbing.
- c. Review and/or verify the limits of the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing. Assure that temporary construction fencing demarcating the limits of grading are installed and properly maintained.
- d. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is in place and intact.
- e. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from any occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds or “flushing” of state-listed species (i.e., Ridgeway’s rail, or other listed species (see MM-BIO-10).
- f. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 miles per hour during the daylight and 10 miles per hour during hours of darkness.
- g. Periodically monitor the construction site after grading is completed and during the construction phase to see that any artificial security light fixtures that may be required are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.
- h. Prepare and retain monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.

**MM-BIO-6: Long-Term Five-Year Biological Monitoring and Reporting.**

The long-term establishment of the mitigation revegetation areas shall be monitored by a qualified biologist/habitat restoration specialist. The biological monitor(s) shall be contracted to perform biological monitoring throughout the

five-year maintenance and monitoring period. The project biologist(s) shall perform the following duties:

- a. Monitor the project bi-monthly during years one and two, and quarterly during years three through five.
- b. Monitoring shall include qualitative monitoring based upon visual observations, as well as quantitative monitoring through the use of point intercept transect data collection to record percent cover of native and non-native species within the revegetation areas. Transects shall be taken in all representative mitigation/revegetation areas. The biological monitor shall determine the location, length, and quantity of the transects to provide an adequate representation of the site conditions.
- c. Results of the monitoring effort shall be documented in annual monitoring reports to be prepared at the end of each yearly monitoring period. The reports shall describe the current site conditions, progress towards achievement of the project's success criteria and performance standards, and any remedial measures that might be necessary to help ensure project success.
- d. Document the annual success criteria and performance standards in Appendix A BTR Section 7, MM-BIO-6, Tables 13 to 15.
- e. For all revegetation areas there shall be no invasive plant species present, as described/listed on the most recent version of the California Invasive Plant Council California Invasive Plant Inventory for the project region, throughout the five-year maintenance and monitoring period.

**MM-BIO-7: Best Management Practices.** The project shall incorporate appropriate BMPs to prevent siltation and erosion during project construction such as silt fence and/or straw wattles and prepare and implement a stormwater pollution prevention plan.

**MM-BIO-8: Construction Flagging and Environmental Training.** All required construction protection measures shall be followed, which includes having a qualified biologist present during construction activities to provide environmental training, supervise flagging of sensitive resources prior to construction as needed, and monitor the project during construction as needed to ensure no unauthorized impacts occur.

*Indirect Impacts to Sensitive Wildlife:*

- Proposed Project implementation has the potential to indirectly impact sensitive birds (Ridgway's rail, least Bell's vireo, northern harrier, and least bittern) nesting in adjacent habitat areas. Potentially significant indirect impacts (e.g., increased human presence, noise, dust, etc.) to wildlife considered special status under the MSCP may occur. Indirect impacts to special-status wildlife species, such as northern harrier, within the Multi-habitat Planning Area (MHPA) would be reduced through compliance with the City's MSCP ASMD (see BRT Section 5 for details).
- Avoidance of indirect impacts to least Bell's vireo, Ridgeway's rail, and least bittern would require pre-construction surveys if construction

activities are proposed during the breeding season (February 1 to September 15). The following mitigation measures would be applied to reduce potential indirect impacts to these special-status wildlife species (i.e., birds) to a level less than significant.

**MM-BIO-9: Nesting Bird Survey.** To avoid any indirect impacts to nesting raptors (e.g., Cooper's hawk [*Accipiter cooperii*] and red-tailed hawk [*Buteo jamaicensis*]) and/ Ridgway's rail or birds (which are protected by the federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3513), removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting raptors in the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days (BTR says 72 hours) prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City Development Services Department (DSD) for review and approval prior to initiating any construction activities. If nesting raptors are detected, a letter report in conformance with the City's Biology Guidelines and applicable state and federal law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of nesting raptors or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitoring Coordination (MMC) Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction. If nesting raptors are not detected during the precon survey, no further mitigation is required.

To avoid any indirect impacts to nesting raptors (e.g., Cooper's hawk [*Accipiter cooperii*] and red-tailed hawk [*Buteo jamaicensis*]) and/ Ridgway's rail or birds (which are protected by the federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3513), construction near suitable habitat shall occur outside of the breeding season for these species (February 1 to September 15). If any construction-related ground-disturbing activities (e.g. clearing/grubbing, grading and other intensive activities) must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey within suitable habitat to determine the presence or absence of nesting birds based on the distance discussed below. The pre-construction survey shall be conducted within 72 hours prior to the start of construction activities. If no active nests are detected, then project construction may proceed.

If any active nests are detected, the area shall be flagged and mapped on the construction plans and the information provided to the construction supervisor and any personnel working near the nest buffer. If occupied nests are found, then limits of construction (e.g., 250 feet for passerines to 500 feet for raptors) to avoid occupied nests shall be established by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers and signage; and construction personnel shall be instructed on the

sensitivity of nest areas. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitor(s) shall be provided to monitor active nest(s) or other project activities in order to ensure all of the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

If construction activities, particularly clearing/grubbing, grading, and other intensive activities, stop for more than 3 days, an additional nesting bird survey shall be conducted within the proposed impact area and a 500-foot buffer.

If northern harrier, least Bell's vireo, or Ridgway's rail nesting is detected, then an appropriate impact avoidance buffer area, as determined by the project biological monitor, shall be established around the active nest location using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and shall clear demarcate an appropriate buffer.

**MM-BIO-10: Least Bell's Vireo Avoidance.** Construction within 300 feet of any sensitive riparian areas with suitable habitat may have adverse indirect impacts on least Bell's vireo if construction occurs during the breeding seasons for this species (March 15 through September 15).

*Avoidance of Least Bell's Vireo Take.* Prior to the preconstruction meeting, the City's Environmental Designee/Mitigation Monitoring Coordination (ED/MMC) shall verify that Multi-habitat Planning Area (MHPA) boundaries and the requirements regarding least Bell's vireo, as specified below, are shown on the biological monitoring exhibit and construction plans.

No clearing, grubbing, grading, or other construction activities shall occur during the least Bell's vireo breeding season (March 15 through September 15). If construction activities must be scheduled during the breeding season, the following must be met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey habitat areas for the presence of least Bell's vireo pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If least Bell's vireo are not present, then no further monitoring or measures are required. If least Bell's vireo are present, then the following conditions must be met:
  - a. March 15 through September 15 for least Bell's vireo, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and

- b. March 15 through September 15 for least Bell's vireo, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat.

The mitigation measures listed above would mitigate all biological resources impacts to a less-than-significant level.

### **Tribal Cultural Resources**

**MM-CUL-1.** A qualified Native American monitor shall attend the pre-construction meeting with the JPA project manager and construction contractor and be present to monitor initial ground disturbance for the project. Once they have determined that grading and other disturbances have removed soils with a reasonable potential for containing cultural material, monitoring can be reduced to as needed and when and if additional ground-disturbing activities continue in native soil. If tribal cultural material is encountered, the Native American monitor shall have the authority to temporarily halt or redirect ground-disturbing activity while the cultural material is documented and assessed. If a cultural resource is determined to be significant, the monitor shall coordinate to develop and implement appropriate treatment measures. Artifacts collected (if any) shall be cataloged, analyzed, and curated with accompanying catalog to current professional repository standards and transferred to an appropriate curating facility within San Diego County or returned to the consulting tribe for reburial or for curation at a tribal facility.

### **Public Review Distribution:**

The following individuals, organizations, and agencies received a copy or notice of the draft MND and were invited to comment on its accuracy and adequacy:

- United States Government
  - Army Corps of Engineers
  - U.S. Department of Fish and Wildlife Service
  - Fish and Wildlife Service
  - Natural Resources Conservation Services
- State of California
  - Department of Fish and Wildlife, Region 5
  - Native American Heritage Commission
  - Office of Historic Preservation
  - Resources Agency (Water Resources)
  - Regional Water Quality Control Board, Region 9
  - State Clearinghouse
- County of San Diego
  - Department of Parks and Recreation
  - Department of Public Works



- City of San Diego
  - Department of Parks and Recreation
  - Development Services Department
  - Historical Sites Board
  - Real Estate Assets Department
- Other Agencies, Organizations, and Individuals
  - Bay Club (Fairbanks Ranch Country Club)
  - California Native Plant Society
  - Carmel Valley Community Planning Board
  - Endangered Habitats League
  - Evergate Stables
  - Fairbanks Polo Club Homeowners Association
  - Friends of the San Dieguito River Valley
  - Morgan Run Club and Resort
  - Olivenhain Municipal Water District
  - San Diego Audubon Society
  - San Diego County Archaeological Society
  - San Diego Mountain Biking Assoc.
  - San Diego State University/South Coastal Information Center
  - San Diego Union-Tribune
  - San Dieguito Planning Group
  - San Dieguito River Park Citizens Advisory Committee
  - San Dieguito River Park JPA Board of Directors
  - San Dieguito River Valley Conservancy
  - San Pasqual Band of Mission Indians
  - SDG&E
  - Sierra Club
  - Surf Cup Sports Park
  - Whispering Palms HOA

The Mitigated Negative Declaration, Initial Study, and technical reports are available on the San Dieguito River Park Joint Powers Authority website or may be reviewed at the JPA's office at 18372 Sycamore Creek Road, Escondido, CA 92025.

Shawna Anderson, Executive Director  
San Dieguito River Park Joint Powers Authority

May 5, 2023  
Date of Draft Report

\_\_\_\_\_  
Date of Final Report

ATTACHMENT: Initial Study/Checklist

INTENTIONALLY BLANK

## **Attachment A: Initial Study Checklist**