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DRAFT MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Jacumba Fire Station No. 43

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

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

- a) Initial Study – Environmental Checklist Form
- b) Technical Studies and Reports as referenced

1. California Environmental Quality Act Mitigated 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 Initial Study for the rationale for requiring the following mitigation measures (MMs):

A. BIOLOGICAL RESOURCES: Implementation of the following mitigation measures would reduce potential impacts to biological resources to less than significant levels:

MM-BIO-1: Off-site Mitigation. To offset the loss of 2.55-acres of non-native grassland habitat on the project site, the County of San Diego (County) shall purchase off-site mitigation credits from a County-approved mitigation bank at a 0.5:1 mitigation ratio, consistent with the County's Guidelines for Determining Significance—Biological Resources. The project proponent shall purchase 1.275-acres of non-native grassland habitat credits. If burrowing owls are identified during pre-construction take avoidance surveys (see **MM-BIO-2**), the mitigation ratio shall be increased to 1:1, requiring the purchase of 2.55 acres of non-native grassland habitat credits.

MM-BIO-2: Burrowing Owl Surveys. Prior to construction, the County of San Diego shall retain a qualified biologist to conduct pre-construction take avoidance surveys for burrowing owl. The pre-construction take avoidance surveys shall be conducted within 14 days of initiating ground disturbance and/or construction activities per guidelines specified in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). In addition, within 24 hours of initiating ground disturbance and/or construction activities, the qualified biologist shall conduct a final pre-construction take avoidance survey. Surveys shall include areas within the Project footprint and a surrounding 500-foot buffer. The survey shall consist of walking parallel transects and noting any fresh burrowing owl sign or presence. The results of the take avoidance survey shall be provided to the California Department of Fish and Wildlife (CDFW). If more than 14 days pass between the take avoidance survey and initiation of project construction, additional take avoidance survey may be required by the qualified biologist, depending on what actions have been implemented to deter burrowing owls from moving into the project footprint and buffer area.

MM-BIO-3: Biological Monitoring. Prior to construction, the County shall retain a biological monitor. The biological monitor shall be present during all initial vegetation clearing, grubbing, and rough grading activities to relocate wildlife out of harm's way, including but not limited to protected birds (including tricolored blackbird and turkey vulture) and American badger. Biological monitoring will ensure the project remains in compliance with any mitigation, monitoring, and compliance reporting program, as well as industry standard Best Management Practices (BMP) such as fugitive dust control, on-site vehicle speed limits, Stormwater Pollution Prevention Plan (SWPPP) implementation, and conditions related to biological resource protection set forth by the County of San Diego and/or regulatory agencies.

MM-BIO-4: Nesting Bird Avoidance Measures. Vegetation removal should be conducted outside of the nesting bird season between September 1st and January 31st. If vegetation removal is required during the nesting bird season (i.e., February 1 and August 31), the County of San Diego shall retain a qualified biologist(s) to conduct a pre-construction avoidance survey for Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife (CDFW)-protected nesting birds within 100 feet of areas proposed for vegetation removal and/or initial grading activities. Additionally, the survey shall be extended to 500 feet for raptors between January 1st and July 15th. The survey shall be conducted by a qualified biologist(s), defined as someone with familiarity with avian species in the region and at least five years of experience conducting nesting bird surveys, within seven days (i.e., 168 hours) of vegetation removal and/or initial groundbreaking activities. If active, protected nests are observed within the survey area(s), a qualified biologist will determine appropriate minimum disturbance buffers or other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered work schedules, altered work locations, sound walls, noise abatement, etc.) and work with the contractor to ensure that direct and indirect impacts on all protected nesting birds are avoided until such nests are no longer active. If the results of the survey are negative, the project will proceed without any further surveys or monitoring as long as there is not a significant lapse (i.e., greater than seven days) in project activity. If more than seven days of inactivity occurs, a new nesting bird survey shall be required prior to reconvening project construction.

B. CULTURAL RESOURCES: Implementation of the following mitigation measure would reduce potential impacts to cultural resources to less than significant levels:

MM-CUL-1: Implement Archaeological and Native American Monitoring. The County of San Diego (County) shall implement an archaeological and Native American monitoring program and potential data recovery program pursuant to the County's *Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources* and the California Environmental Quality Act (CEQA). The archaeological and Native American monitoring program shall include the following requirements:

- Pre-Construction
 - Contract with a County approved archaeologist to perform archaeological monitoring and a potential data recovery program during all earth-disturbing activities. The Project Archaeologist shall subcontract a Kumeyaay monitor to conduct Native American monitoring for the project. The Project Archaeologist and tribal monitor shall perform the monitoring duties before, during and after construction.
 - Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.
- Construction
 - **Monitoring.** Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to ensure that they are negative for cultural resources.
 - **Monthly Reporting.** If grading activities exceed one month, the Project Archaeologist shall submit monthly status reports to the County Director of General Services starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation.
 - If cultural resources are identified during construction monitoring:
 - Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
 - The Project Archaeologist shall contact the County Archaeologist at the time of discovery.
 - The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.

- The Project Archaeologist shall notify the Campo Band of Mission Indians, Manzanita Band of the Kumeyaay Nation, Jamul Indian Village, and La Posta Band of Diegueño Mission Indians of the unanticipated discovery.
- Should a potential Tribal Cultural Resource (TCR) be identified, the Project Archaeologist shall consult with consulting tribes for a final determination.
- Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
- Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
- If cultural resources discovered during construction are determined to be significant, a new or modified Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- Human Remains.
 - The Property Owner or their representative shall contact the County Medical Examiner and the Director of General Services.
 - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Medical Examiner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
 - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
 - The Project Archaeologist shall notify the Campo Band of Mission Indians, Manzanita Band of the Kumeyaay Nation, Jamul Indian Village, and La Posta Band of Diegueño Mission Indians of the identification of human remains.
 - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development 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 in the event that human remains are discovered.
- Rough Grading

- **Monitoring Report.** Upon completion of Rough Grading, the Project Archaeologist shall prepare a monitoring report identifying whether resources were encountered.
 - **No Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered shall be submitted. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor shall be included in the Negative Monitoring Report.
 - **Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.
 - A copy of the monitoring report shall be provided to the Director of General Services, South Coastal Information Center, and any culturally-affiliated tribe who requests a copy.
- Final Grading
 - **Final Report.** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:
 - Department of Parks and Recreation Primary and Archaeological Site forms
 - Daily Monitoring Logs
 - Evidence that all cultural materials have been conveyed as follows:
 - Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego or Imperial County curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego or Imperial County curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of

appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- Historic materials shall be curated at a San Diego or Imperial County curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego or Imperial County curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall 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.
- If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.
- A copy of the final report shall be submitted to the Director of General Services, South Coastal Information Center, and any culturally affiliated tribe who requests a copy.

C. TRIBAL CULTURAL RESOURCES: Implementation of the following mitigation measure would reduce potential impacts to tribal cultural resources to less than significant levels:

- Implement mitigation measure MM-CUL-1.

3. Project Design Features:

The following project design features are included as part of the project in compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

PDF-HYD-1: Raise Finished Floor Elevation. Prior to approval of final design plans, the County Department of Public Works shall verify that all project components located within the 100-year floodplain shall comply with the County of San Diego Flood Damage Prevention Ordinance, County Hydrology Manual, and County Hydraulic Design Manual, which includes raising the finished floor elevation of the site to one (1) foot above base flood elevation.

PDF-HYD-2: Flood Fencing Types. Flood fencing shall be either breakaway fencing or flow through fencing, as described below:

- Where flood fencing is provided along Old Highway 80, breakaway type fencing should be used where feasible. Flow-through fencing may be used along Old Highway 80 if drainage conditions warrant its use. However, if flood depths exceed 12 inches, breakaway type fencing (not flow through) must be used along Old Highway 80.

- Where flood fencing is provided elsewhere (not along Old Highway 80), either flow-through or breakaway fencing may be used.

ADOPTION STATEMENT: This Draft Mitigated Negative Declaration and the above California Environmental Quality Act findings were made by the San Diego County Department of General Services on September 16, 2024. This document is considered draft until it is adopted by the appropriate County of San Diego decision-making body.

Signature

Marko Medved, P.E., C.E.M.
Director, Department of General Services

9/13/24
Date