



County of San Diego

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MITIGATED NEGATIVE DECLARATION

May 16, 2019

Project Name: Buckman Springs Road Bridge Widening Project

Project Number(s): 1012847

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 this project, including: Natural Environmental Study (NES), Biological Assessment (BA), Visual Impact Assessment (VIA), Historical Property Survey Report and Archeological Survey Report
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 measure:

A. BIOLOGICAL RESOURCES

1. Sensitive Vegetation Community Mitigation

Upon completion of construction activities, temporary impact areas, including 0.32 acre of southern arroyo willow riparian forest, 0.42 acre of mule fat scrub, 0.01 acre of herbaceous wetland, 0.09 acre of non-vegetated channel, 0.1 acre of coast live oak woodland, 0.1 acre of big sagebrush scrub, and 0.5 acre of non-native grassland, will be restored in place, providing on-site, in-kind mitigation at a 1:1 ratio. The impact area shall be restored to its original pre-construction conditions, with respect to contours and vegetation composition, to the extent feasible. Restoration will include planting at least 14 cottonwood trees to replace the seven cottonwood trees to be removed by the project and at least eight coast live oak trees to replace the four coast live oak trees to be removed by the project, resulting in a 2:1 ratio.

2. Arroyo Toad Avoidance and Minimization

The following arroyo toad conservation measures apply at the project site, not including the staging area on Morena Stokes Valley Road:

- Construction activities will only occur during daytime hours. No night lighting is permitted for use during construction of the project. No lighting will be installed on the new roadway as part of this project.
- Arroyo toad exclusionary fencing shall be installed around the PIA by the contractor prior to starting work. This fence will exclude arroyo toads from the PIA, including the access road. Project activities shall be confined within the fenced area. The arroyo toad exclusion fence should consist of filter fabric at least two feet high, staked firmly to the ground with the lower one foot of material stretching outward along the ground and secured with a continuous line of sandbags (i.e., there should be no space between the sandbags). No digging or vegetation removal should be associated with the installation of the fence and all materials will be removed when the project is complete.
- The County will be responsible for hiring a Carlsbad Fish and Wildlife Office-approved biologist experienced in handling arroyo toad to work as the project biological monitor and toad expert. The qualified biologist shall monitor the installation of the toad exclusion fencing.
- Once the fence is installed, a qualified biologist would conduct a six-day/six-night arroyo toad survey of the entire area inside the fence to ensure no toads remain in the PIA. If pre-activity conditions are dry, the area inside the exclusionary fencing will be sprayed with water during the arroyo toad survey to simulate a precipitation event. Water spraying will occur at least one hour after sunset when the air temperature is greater than 50

degrees Fahrenheit. If no toads are encountered within the exclusion fencing area, then project activities shall be allowed to commence under the supervision of a biological monitor.

- In the event that arroyo toads are confirmed inside of the exclusionary fencing area, any individuals encountered within the exclusion fencing area will be relocated to suitable habitat outside the PIA by a qualified biologist approved by the USFWS to handle the species. Surveys shall continue until there have been two consecutive nights without toads inside the fence. The final survey shall be conducted within one week prior to the start of project activities.
- The USFWS-authorized biologist should coordinate with appropriate property owners and with the USFWS to determine a specific translocation site prior to moving any arroyo toads. In addition, any arroyo toads captured should be checked for a Passive Integrated Transponder (PIT) tag and be scanned with a PIT-tag reader if a PIT-tag is present. The date, time of capture, specific location of capture (using Global Positioning System [GPS]), PIT-tag code, approximate size, age, and health of the individual should be recorded and provided to the USFWS, within two weeks of the translocation, in both hard copy and digital format.
- Once project activities begin, a biological monitor authorized to handle arroyo toads will be on site weekly or as necessary to ensure the integrity of the exclusionary fencing.
- If any toads are identified by construction personnel, then the resident engineer (RE) should be notified immediately. The RE will then notify the authorized biologist who shall be solely responsible for the translocation of toads outside of the PIA. No one other than the approved biologist is permitted to handle or bother the toads in any way.
- The USFWS-authorized biologist shall maintain a complete record of all arroyo toads encountered and moved from harm's way during the project activities. Information shall include: location, date and time of observation, details of the observed behavior, relocation site, estimated number of toads seen or heard, and photographs (when possible).
- If the arroyo toad exclusion fencing is found damaged during construction, the contractor is responsible for repairing the fence within 24 hours and notifying the RE. If the exclusion fencing is found damaged in such a way thereby allowing arroyo toads access to the PIA, arroyo toad exclusion surveys will be repeated by the approved biologist for a minimum of three consecutive nights prior to any additional construction activities occurring in the area.

- Prior to the onset of project activities, employees that would work on the project (including temporary workers, contractors, and subcontractors) would be educated and instructed on the arroyo toad conservation measures including the following by the qualified biologist and County staff: limiting activities to within the fenced arroyo toad exclusion area, keeping vehicles and equipment on the bridge and road, and the location of approved staging area and access path. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the area (including photographs), their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the area. It is the contractor's responsibility to inform all workers and subcontractors of the environmental requirements of the project.
- Project work during rain events will be avoided to the greatest extent feasible as arroyo toads may become active during rain events and the movement of personnel and equipment through wet soils may result in sedimentation into breeding habitat. To ensure that work is completed as rapidly as possible such that the temporal disturbance of the habitat is limited, work may continue during a light or intermittent rain, if the USFWS-authorized biologist, using his/her best judgment, determines that increased impacts to arroyo toads are unlikely.
- All trash must be removed from work sites or completely secured in a wildlife proof container at the end of each workday.
- Pets of project personnel are not allowed in the PIA.
- Movement of construction personnel, vehicles, and equipment shall be confined to existing roads and areas within arroyo toad exclusionary fencing. Vehicle ingress/egress will only be allowed from the one location for each enclosed area. The ingress/egress locations will be resealed at the conclusion of each workday (prior to dusk) to ensure the exclusionary fencing is complete and fully functional.
- Siltation and erosion in and around the impact area shall be controlled during construction activities with best management practices (BMPs).
- Equipment storage, repair, and fueling shall only take place in the designated staging and/or work areas and will avoid potential contamination of the waterway. Erodible material shall be stockpiled only within the PIA and in compliance with all wetland and water quality permitting.

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. The following are not technically mitigation measures; rather, they are avoidance or minimization measures and their implementation must be assured to avoid potentially significant environmental effects.

3. Roosting Bats Avoidance and Minimization

Construction activities will only occur during daytime hours and will stop no later than one hour before sunset. No night lighting is permitted for use during construction of the project. No lighting will be installed on the new roadway as part of this project.

Pre-construction nighttime surveys of potential roosts within the PIA are recommended during the maternity season for bats (April 1 to September 15). A survey of trees that are slated for removal and the bridge will be conducted within 14 days of project initiation. A visual survey of the PIA will be conducted to determine potential roosting sites. Exit counts will be conducted at any potential roosting sites. An acoustical detector will be utilized to help determine bat species present. If active roosts are detected a qualified bat biologist will make recommendations to avoid roosting bats observed during the survey. Recommendations could include placing a surrogate roosting structure at or near the bridge to provide comparable night roost if it is determined that roosts will be impacted. If a maternity colony is found, work will be suspended until the end of the maternity season.

4. Nesting Birds and Least Bell's Vireo Avoidance and Minimization

If work is proposed to start during the least Bell's vireo breeding season (March 15 to September 15), a pre-activity nesting bird survey will be conducted within seven days prior to starting work to identify any nesting vireos or other riparian birds within 500 feet of the PIA. If work stops for more than seven days, the pre-activity survey will be repeated before re-starting work during the breeding season.

If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, vegetation trimming and other project activities shall be allowed to proceed.

If nesting birds are found, the biologist shall flag the active nests and project activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged. Project-related maintenance activities that could generate noise in excess of 60 dBA within 300 feet of a nest (500 feet for raptors) shall either: (1) be

postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient. Buffer distances may be adjusted as recommended by the qualified biologist depending on the sensitivity of the species.

B. CULTURAL RESOURCES

1. An archaeological monitor and a Kumeyaay Native American monitor will be provided during project-related vegetation clearing, including the initial vegetation clearing of the staging area, and the establishment of the southeastern portion of the temporary PCT trail route. If previously unidentified cultural materials are unearthed during construction, the work will be halted in that area until a qualified archaeologist can assess the significance of the find. Additional archaeological survey will be needed if project limits are extended beyond the previous survey limits.
2. 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.

3. A Kumeyaay Native American Monitor will be provided during 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 Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Thomas Duffy, Environmental Planning Manager
DPW Environmental Services Unit