



County of San Diego

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MITIGATED NEGATIVE DECLARATION

December 18, 2019

Project Name: Lemon Crest Drive Drainage Facility Extension Improvements Project

Project Number(s): 1003062

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 – Environmental Checklist Form
- b. Attached technical studies for biological resources and cultural resources.

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 Environmental Initial Study for the rationale for requiring the following measures:

A. BIOLOGICAL RESOURCES

1. Impacts to 0.02 acre of non-wetland Waters of the U.S. and state would require review and consultation from the USACE and RWQCB under Sections 404 and 401 of the Clean Water Act, respectively. Mitigation would be analyzed as part of the consultation process. If mitigation is required by jurisdictional agencies, measures would be implemented as conditions of the project.

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. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. BIOLOGICAL RESOURCES

1. There is a low potential that project construction could affect nesting birds using the site for foraging and/or nesting habitat, therefore per the Migratory Bird Treaty Act (MBTA), clearing and grubbing and/or removal of potential nesting sites during the nesting season (September 15 and February 15), would require:
 - a. Pre-construction surveys would be conducted by a qualified biologist in appropriate habitat to inspect for the presence of nesting birds no more than ten days prior to construction.
 - b. If nests of listed birds, migratory birds, raptors, or other sensitive species are located, they would be flagged and a protective buffer would be established by the monitoring biologist. All construction activity would be prohibited within this area until the biologist has determined that the nesting young have fledged or the nest has been abandoned, whichever occurs first.

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

on _____

Cynthia Curtis, Land Use/Environmental Planning Manager
DPW Environmental Services Unit