



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Borrego Military Land Zone Brushing and Clearing Permit

RECORD ID: PDS2019-AD-19-022

ENVIRONMENTAL LOG NO.: PDS2019-ER-19-05-001

**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. Technical Studies and Reports as referenced.

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 that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; 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 as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Initial Study – Environmental Checklist Form for the rationale for requiring the following measures:

Biological Resources

1. BIO#1–OFFSITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to desert saltbush scrub and disturbed desert saltbush scrub, which are sensitive biological resources pursuant to the County's Guidelines for Determining Significance for Biological Resources, offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 34.16 acres of desert saltbush scrub habitat to be managed in perpetuity by the Anza Borrego Foundation or located within another mitigation bank in East San Diego County as indicated below.

a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in East San Diego County as indicated below:

1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

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 Initial Study – Environmental Checklist Form. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

Cultural Resources

2. CULT#1- (PDF-CR#1) – CULTURAL IMPACT FEE

INTENT: A Cultural Impact Fee is required as a project design feature for the clearing that has occurred without permit that has eliminated the County's ability to evaluate the parcel for cultural resources. A payment to the Kumeyaay Cultural Repatriation Committee (KCRC) in the amount of \$3,384 shall be made. **DESCRIPTION OF REQUIREMENT:** A payment in the amount of \$3,384 shall be made to the Kumeyaay Cultural Repatriation Committee (KCRC) for clearing without permit. This payment represents the cost that would have been required for a survey by a County staff archaeologist that would have been required prior to any earth disturbing activities. **Documentation:** The applicant shall submit a letter from the Kumeyaay Cultural Repatriation Committee (KCRC) stating that the payment has been received to the [PDS, PPD] for review and approval. **Timing:** Prior to the approval of Administrative Permit PDS2019-AD-19-022 the payment to the Kumeyaay Cultural Repatriation Committee (KCRC) shall be completed. **Monitoring:** The [PDS, PPD] shall review the letter from the Kumeyaay Cultural Repatriation Committee (KCRC) for compliance with this condition.

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

on _____

Greg Kazmer, Planning Manager
Project Planning Division