



County of San Diego

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MITIGATED NEGATIVE DECLARATION

Project Name: Sycuan-Sloane Canyon Trail

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 as well as the accompanying Environmental Initial Study, which includes the following:

- a. Initial Study Form
- b. Attached extended studies for air quality and greenhouse gases, biological resources, cultural resources, traffic, geotechnical, drainage, and MSCP Findings.

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 measures:

A. Biological Resources

MM-BIO-1 Grubbing or clearing of vegetation for trail Segment 6a, 6b, 1, 2a, 2b, 2c, 3, 4a, 4b, 4c, and 5b during the general avian breeding season (February 1 – September 15), least Bell's vireo breeding season (March 15 to September 15), coastal California gnatcatcher breeding season (March 1 – August 15), or raptor breeding season (January 15 – July 15) shall be avoided to the extent feasible. If grubbing, clearing, or grading would occur during the breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than three days prior to the commencement of activities to determine if active bird nests are present in the affected areas. If there are no nesting

birds (includes nest building or other breeding/nesting behavior) within 300 feet of the survey area (500 feet for raptors), clearing, grubbing, and grading shall be allowed to proceed in that area. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted by a qualified biologist within three days prior to the commencement of construction activities in that area. If active nests or nesting birds are observed within 300 feet of the survey area (500 feet for raptors), the biologist shall flag a buffer around the active nests and construction activities shall not occur within 300 feet of active nests (500 feet for raptors) until nesting behavior has ceased, nests have failed, or young have fledged as determined by a qualified biologist. If the qualified biologist determines that the species will not be impacted with a reduced buffer (i.e., less than 300 feet for general avian species and 500 feet for raptors), potentially with implementation of avoidance measures to reduce noise, as necessary, and the qualified biologist monitors the active nest during construction to ensure no impacts to the species occur, construction may occur outside the reduced buffer during the breeding season, as long as the species is not impacted.

MM-BIO-2 The following arroyo toad conservation measures apply in the area of Segment 6b shown as Arroyo Toad Exclusion Area on Figure 14c of this project's BRTR, the area of Segment 1 shown as Arroyo Toad Exclusion Area on Figure 14c of this project's BRTR, the area of Segment 2a, 2b, or 2c, as applicable, shown as Arroyo Toad Exclusion Area on Figure 14d of this project's BRTR, the area of Segment 4a and 4b shown as Arroyo Toad Exclusion Area on Figure 14f of the BRTR, and the area of Segment 5b shown as Arroyo Toad Exclusion Area on Figure 14g of this project's BRTR. There will be no soil-disturbing activity during arroyo toad breeding season outside the arroyo toad exclusion fence (March 15 through July 1). To avoid potential impacts to arroyo toads that may be aestivating within the project area, exclusionary arroyo toad fencing will be installed around the limits of work during trail construction. The fence will consist of fabric or plastic at least 2 feet high. The lower 1 foot of the fence will be laid across the ground, staked firmly, and held securely by a continuous line of gravel bags, such that there are no gaps that could allow passage for arroyo toad. No vegetation removal or soil disturbance will be associated with installation of the fence, except for minor soil disturbance installing the stakes to hold up the fence, and all materials will be removed when earthwork is complete. Fence installation will be monitored by a USFWS-approved biologist. Following fence installation, a USFWS-approved biologist will conduct clearance surveys within the fenced areas for a minimum of three consecutive nights. 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. Surveys must be completed no more than 5 days prior to initiating soil-disturbing activities. Any arroyo toads found during surveys will be relocated safely by the approved biologist to outside of the fenced area. The approved biologist will continue surveys until there have been two consecutive nights without arroyo toads inside the fence. The USFWS-approved biologist will conduct a training for construction personnel prior to impacts and shall be on-site at least weekly to check fencing integrity. No work will occur immediately prior to or during rain events.

MM-BIO-3 Mitigation for Segment 6b permanent impacts to 1.67 acres of coastal California gnatcatcher occupied Diegan coastal sage scrub, a Tier II habitat, including 0.93 acre of critical habitat, shall occur at a 1.5:1 ratio with 2.51 acres of Tier II or Tier I habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-4 Prior to trail grading for Segment 6b, follow-up rare plant surveys shall be conducted by a County-approved biologist for Dehesa beargrass (*Nolina interrata*), which was observed in the Segment 6b Study Area and would require additional measures for unavoidable impacts.

Should Dehesa beargrass be identified in the proposed impact area, the project alignment shall be adjusted to avoid them to the maximum extent practicable, consistent with the BMO Section 86.507.a.1. If impacts are unavoidable, they shall be quantified and limited to no more than 20 percent of the total population in the area, consistent with the BMO Section 86.507.a.1, as determined during pre-construction surveys and documented in a letter report submitted by the County-approved biologist to DPR and BIA. The mapping of plant populations will extend beyond the impact area into the adjacent area that meets the species' habitat requirements, as determined by the County-approved biologist. Impacts shall be mitigated consistent with the BMO Section 86.507.a.1 at a 3:1 ratio.

Mitigation will consist of on- or off-site preservation, translocation, and/or restoration, with a preference for species salvage and translocation on site if feasible. DPR and BIA will review and approve the letter report and implement the mitigation according to the Mitigation Monitoring and Reporting Program for the project. If species are transplanted for mitigation, these species will be included in a plant salvage and translocation plan according to mitigation measure **MM-BIO-5**.

MM-BIO-5 Prior to trail grading for Segment 6b, if Dehesa beargrass is being impacted and translocation is selected as part of the mitigation package according to the letter report prepared under mitigation measure MM-BIO-4, a plant salvage and translocation plan shall be prepared for Dehesa beargrass impacted by the project. The plan shall, at a minimum, evaluate options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within the Study Area. Relocation efforts may include seed collection and/or translocation to a suitable receptor site and will be based on the most reliable methods of successful relocation. The program shall contain a recommendation for method of salvage and relocation/application based on feasibility of implementation and likelihood of success. The program shall include, at a minimum, an implementation plan, maintenance and monitoring program, success criteria, estimated completion time, and any relevant contingency measures. The resource salvage plan shall be prepared by a County-approved biologist and shall be implemented according to the Mitigation Monitoring and Reporting Program for the project.

MM-BIO-6 Mitigation for Segment 6b permanent impacts to 0.01 acre of Potential Hermes Copper Butterfly Habitat shall occur at a 1:1 ratio with 0.01 acre of Potential

Hermes Copper Butterfly Habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-7 If heavy equipment would be in operation in Segment 1 during the breeding season for least Bell's vireo (March 15 to September 15), coastal California gnatcatcher (March 1 to August 15), general avian species (February 1 – September 15), or raptors (January 15 – July 15), pre-construction survey(s) shall be conducted by a qualified biologist, as appropriate, to determine whether these species occur within the areas potentially impacted by noise. If it is determined at the completion of pre-construction surveys that active nests belonging to these sensitive species are absent from the potential impact area (within 300 feet for passerines, 500 feet for raptors, or as otherwise determined by a qualified biologist), construction shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these species, then the grading contractor will install noise attenuation materials within the work area to reduce the grading noise levels to below 60 dBA L_{EQ} , unless a qualified biologist determines that noise attenuation is not necessary due to existing barriers, ambient noise levels, or other biological factors relevant to the species present. The type of material and location of installation will be determined prior to installation in coordination with a qualified biologist knowledgeable of that species and in coordination with a qualified acoustician. All noise attenuation materials will be installed prior to construction, and noise monitoring will be implemented to help ensure grading noise is below 60 dBA L_{EQ} at the edge of the species' habitat both during noise attenuation installation (if installed during the breeding season) and during construction. Prior to starting construction, the qualified acoustician will provide a written report to DPR and BIA that confirms that noise attenuation is installed and adequately reducing noise levels at the edge of the species' habitat. Noise monitoring will continue into the species' breeding season until grading is completed.

MM-BIO-8 Mitigation for Segment 2a, 2b, or 2c permanent impacts to 0.01 acre of Potential Hermes Copper Butterfly Habitat shall occur at a 1:1 ratio with 0.01 acre of Potential Hermes Copper Butterfly Habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-9 The following Quino checkerspot butterfly conservation measures apply in the area of Segment 2c shown as Quino Checkerspot Butterfly Avoidance Area on Figure 14d of this project's BRTR.

Step 1, Survey

- Additional Quino host plant mapping was conducted in spring 2020 prior to construction when host plants were blooming, in order to ensure host plant patches are delineated to the greatest extent feasible.
- During 2020 host plant mapping, host plant patches were mapped them using GIS so they can be flagged prior to construction.

Step 2, Avoidance and Minimization Measures

- Realign or leave trail sections unimproved, as needed, to avoid direct impacts to host plants as much as possible, as mapped during the 2019 Quino focused surveys and refined in 2020.
- All construction within mapped Quino host plant patches will be prohibited during the Quino flight season (defined as 3rd week of February through the 2nd Saturday in May).
- A qualified biologist will monitor construction within the Quino Avoidance Area to ensure that all flagged and mapped host plant locations planned for avoidance are avoided.
- The qualified biologist will conduct environmental awareness training for all entering the site during construction of the project.
- Following trail construction, clearing and trail maintenance within the Quino Avoidance Area shall either occur outside of the Quino flight season or be monitored by a qualified biologist.
- Install signs and/or fencing between the trail and the avoided host plants stating, “Environmentally sensitive area. Please stay on trail,” or similar language.

Step 3, Compensatory Mitigation

- If the trail cannot be redesigned or left unimproved to avoid impacts to all occupied Quino host plant patches, then in addition to the surveys and avoidance and minimization measures in Steps 1 and 2 above, a Section 7 consultation will be required and mitigation will be provided at a ratio determined through Section 7 consultation for impacted host plant patches. Mitigation may consist of one or a combination of on- or off-site planting of host plants, providing long-term maintenance of existing host plants, preserving occupied Quino habitat, or similar measures to the satisfaction of the USFWS.

MM-BIO-10 Mitigation for Segment 2c impacts to 0.71 acre of coastal California gnatcatcher occupied Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 1.07 acres of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-11 Mitigation for Segment 3 permanent impacts to 0.02 acre of coastal California gnatcatcher occupied Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 0.03 acre of Tier II or Tier I habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-12 Mitigation for Segment 3 permanent impacts to 0.01 acre of Potential Hermes Copper Butterfly Habitat shall occur at a 1:1 ratio with 0.01 acre of Potential Hermes Copper Butterfly Habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following:

on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-13 . The following Hermes copper butterfly conservation measures apply to Segment 4c.

Step 1, Survey

- Conduct focused Hermes copper butterfly survey of the area of Segment 4c shown as Additional Hermes Copper Survey Areas on Figure 7 of this project's BRTR in spring-summer 2020.

Step 2, Avoidance and Minimization Measures

- Realign the trail within the Study Area, if possible, to avoid direct impacts to occupied Hermes copper butterfly habitat, if mapped during the 2020 focused Hermes copper butterfly survey.
- All construction within occupied Hermes copper butterfly habitat, if any, will be prohibited during the Hermes copper butterfly flight season (defined as 3rd full week of May through the first full week of July).

Step 3, Compensatory Mitigation

- If the 2020 focused Hermes copper butterfly survey is negative, mitigation for Segment 4c permanent impacts to 0.05 acre of Potential Hermes Copper Butterfly Habitat shall occur at a 1:1 ratio with 0.05 acre of Potential Hermes Copper Butterfly Habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank. -OR-
- If the 2020 focused Hermes copper butterfly survey is positive and impacts cannot be avoided, mitigation for Segment 4c permanent impacts to 0.05 acre of Occupied Hermes Copper Butterfly Habitat shall occur at a 2:1 or 3:1 ratio, depending on the quality of the habitat at the impact site and the mitigation site, and the importance of the habitat, with 0.10 or 0.15 acre of Occupied Hermes Copper Butterfly Habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-14 Prior to trail grading in the Segment 4c Additional Study Area shown on Figure 6 of this project's BRTR, rare plant surveys shall be conducted by a County-approved biologist for County List A and B sensitive plant species, including, but not limited to, Dean's milk-vetch (*Astragalus deanei*), Delicate clarkia (*Clarkia delicata*), and Dehesa beargrass (*Nolina interrata*), which are species determined to have a moderate or high potential to occur and that would require additional measures for unavoidable impacts.

Should County List A or B species be identified in the impact areas of the Segment 4c Additional Study Area, the project alignment shall be adjusted to minimize impacts to the

maximum extent practicable, consistent with the BMO Section 86.507.a.1. If impacts to County List A or B species are unavoidable, they shall be quantified and limited to no more than 20 percent of the total population in the area, consistent with the BMO Section 86.507.a.1, as determined during pre-construction surveys and documented in a letter report submitted by the County-approved biologist to DPR and BIA. The mapping of plant populations will extend beyond the impact area into the adjacent area that meets that species' habitat requirements, as determined by the County-approved biologist. In addition, impacts shall be mitigated at ratios of 1:1 to 3:1, depending on the sensitivity of the species, consistent with the BMO Section 86.507.a.1, with List B species mitigated at a 1:1 ratio, List A species mitigated at a 2:1 ratio, and federally- or state-listed endangered or threatened species mitigated at a 3:1 ratio.

Mitigation will consist of on- or off-site preservation, translocation, and/or restoration, with a preference for species salvage and translocation on site if feasible. DPR and BIA will review and approve the letter report and implement the mitigation according to the Mitigation Monitoring and Reporting Program for the project. If species are transplanted for mitigation, these species will be included in a plant salvage and translocation plan according to mitigation measure **MM-BIO-15**.

MM-BIO-15 Prior to trail grading in the Segment 4c Additional Study Area shown on Figure 6 of this project's BRTR, if County List A or B species will be impacted by the project and translocation is selected as part of the mitigation package according to the survey conducted under mitigation measure MM-BIO-14, a plant salvage and translocation plan shall be prepared for County List A and B species impacted by the project. The plan shall, at a minimum, evaluate options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within the Study Area. Relocation efforts may include seed collection and/or translocation to a suitable receptor site and will be based on the most reliable methods of successful relocation. The program shall contain a recommendation for method of salvage and relocation/application based on feasibility of implementation and likelihood of success. The program shall include, at a minimum, an implementation plan, maintenance and monitoring program, success criteria, estimated completion time, and any relevant contingency measures. The resource salvage plan shall be prepared by a County-approved biologist and shall be implemented according to the Mitigation Monitoring and Reporting Program for the project.

MM-BIO-16 Mitigation for Segment 5b impacts to 0.07 acre of occupied Hermes Copper Butterfly Habitat, shall occur at a 2:1 or 3:1 ratio, depending on the quality of the habitat at the impact site and the mitigation site, and the importance of the habitat, with 0.14 or 0.21 acre of Potential Hermes Copper Butterfly Habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-17 Mitigation for Segment 6b impacts to 0.41 acre of non-native grassland, a Tier III habitat, shall occur at a 0.5:1 ratio with 0.21 acre of Tier III or better habitat in the

South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-18 Mitigation for Segment 1 impacts to 0.46 acre of non-native grassland, a Tier III habitat, shall occur at a 0.5:1 ratio with 0.23 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-19 Mitigation for Segment 2a impacts to 1.61 acres of Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 2.42 acres of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-20 Mitigation for Segment 2a impacts to 0.34 acre of non-native grassland, a Tier III habitat, shall occur at a 0.5:1 ratio with 0.17 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-21 Mitigation for Segment 2b impacts to 1.69 acres of Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 2.54 acres of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-22 Mitigation for Segment 2b impacts to 0.34 acre of non-native grassland, a Tier III habitat, shall occur at a 0.5:1 ratio with 0.17 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-23 Mitigation for Segment 2c impacts to 0.31 acre of non-native grassland, a Tier III habitat, shall occur at a 0.5:1 ratio with 0.16 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-24 Mitigation for Segment 3 impacts to 0.18 acre of scrub oak chaparral, a Tier III habitat, shall occur at a 1:1 ratio with 0.18 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-25 Mitigation for Segment 4a impacts to 0.06 acre of Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 0.09 acre of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-26 Mitigation for Segment 4b impacts to 1.95 acres of Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 2.93 acres of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-27 Mitigation for Segment 4c impacts to 0.70 acre of Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 1.05 acres of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-28 Mitigation for Segment 4c impacts to 0.16 acre of scrub oak chaparral, a Tier III habitat, shall occur at a 1:1 ratio with 0.16 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-29 Mitigation for Segment 5b permanent impacts to 0.08 acre of coast live oak woodland, a Tier I habitat, shall occur at a 2:1 ratio with 0.16 acre of Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-30 Mitigation for Segment 5b impacts to 0.02 acre of Diegan coastal sage scrub, a Tier II habitat, shall occur at a 1.5:1 ratio with 0.03 acre of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-31 Mitigation for Segment 5b impacts to 0.51 acre of scrub oak chaparral, a Tier III habitat, shall occur at a 1:1 ratio with 0.51 acre of Tier III, Tier II, or Tier I habitat in the South County MSCP area, within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

MM-BIO-32 Mitigation for Segment 5b permanent impacts to 0.09 acre of non-native grassland, a Tier III habitat, shall occur at a 0.5:1 ratio with 0.05 acre of Tier III or better habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through one or a combination of the following: on- and/or off-site preservation, restoration, and/or purchase of mitigation credits at an approved mitigation bank.

B. Cultural Resources

MM-CUL-1: A Historic Properties Treatment Plan/Monitoring Plan shall be prepared for the project. Both archaeological and Native American monitors shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity in the event that cultural resources are encountered. If significant cultural material is encountered, appropriate actions shall be implemented according to the protocols outlined in the HPTP and monitoring plan. The treatment plan will present the measures that will be implemented to address the avoidance and preservation, minimization of impacts, or mitigation of potential impacts/adverse effects to significant cultural resources. The report shall include methodologies to retrieve, recover, and protect cultural resources. The County shall approve the HPTP prior to construction activity.

MM-CUL-2: All ground-disturbing activity related to implementation of the project, including potential construction, trenching, and grading associated with trail installation, shall be monitored by a qualified archaeologist and Native American representative. The monitoring program shall include attendance by the archaeologist and Native American monitor at a preconstruction meeting with the construction contractor and the presence of archaeological and Native American monitors during initial ground disturbing activities. If cultural resources are discovered during monitoring, all work within 50 feet of the discovery shall stop until a qualified archaeologist can evaluate the find and make appropriate recommendations for treatment, per the HPTP and monitoring plan. Both archaeological and Native American monitors shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity in the event that cultural resources are encountered.

If the archaeological monitor, in conjunction with the Principal Investigator and Native American monitor, determines that monitoring within any specific portion of the trail alignment is not warranted, due to high slopes or if it is observed after monitoring of initial ground disturbance that the ground surface does not contain soil with the potential for subsurface cultural material to be present, the County shall be informed as such and will make the final determination on the necessity for additional monitoring.

MM-CUL-3: Any ground-disturbing activities must be considered as having the potential to encounter Native American human remains. Human remains require special handling and must be treated with appropriate dignity. Specific actions must take place pursuant to State CEQA Guidelines Section 15064.5(e); Public Resources Code Section 5097.98; and Section 87.429 of the County of San Diego Grading, Clearing and Watercourses Ordinance.

Should Native American human remains be identified during ground-disturbing activities related to the project, whether during construction, maintenance, or any other activity, State and County mandated procedures shall be followed for the treatment and disposition of those remains, as follows:

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In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, DPR shall ensure that the following procedures are followed:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. A County (DPR) official is contacted.
 - b. The County Coroner is contacted to determine that no investigation of the cause of death is required.
 - c. If the Coroner determines the remains are Native American, then:
 - i. The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours.
 - ii. The NAHC shall identify the person or persons it believes to be most likely descended from the deceased Native American.
 - iii. The Most Likely Descendent (MLD) may make recommendations to the County, or the person responsible for the excavation work, for the treatment of human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.
2. Any time human remains are encountered or suspected, and soil conditions are appropriate for the technique, ground penetrating radar (GPR) shall be used as part of the survey methodology. In addition, the use of canine forensics will be considered when searching for human remains. The decision to use GPR or canine forensics will be made on a case-by-case basis through consultation among the County Archaeologist, the project archaeologist, and the MLD.
3. Because human remains require special consideration and handling, they must be defined in a broad sense. For the purposes of this document, human remains are defined as:
 - a. Cremations, including the soil surrounding the deposit.
 - b. Interments, including the soils surrounding the deposit.
 - c. Associated grave goods.

In consultation among the County archaeologist, project archaeologist, and MLD, additional measures (e.g., wet-screening of soils adjacent to the deposit or on site) may be required to determine the extent of the burial.

3. Critical Project Design Elements:

The following project design elements were 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. Air Quality

1. Although the project would not be subject to the County Grading Ordinance, the project would be consistent with dust control measures to reduce potential fugitive dust emissions during construction. During site preparation and grading construction

phases, all soil excavated or graded would be sufficiently watered to prevent excessive dust. Watering would occur as needed with complete coverage of disturbed soil areas. Watering would occur a minimum of twice daily on unpaved roads and on disturbed soil areas with active operations. All haul trucks transporting soil to or from the project site would be covered to prevent fugitive dust emissions, and traffic speeds on all unpaved portions of the project site would be reduced to 15 miles per hour or less.

B. Geology and Soils

1. To ensure the structural integrity of all buildings and structures, the proposed project must conform to the Seismic Requirements as outlined within the California Building Code.
2. Although the proposed project involves grading it is required to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE – EROSION PREVENTION) and 87.417 (PLANTING).
3. The proposed project would comply with the State Water Resource Control Board National Pollution Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (i.e. General Construction Permit). Compliance with the General Construction Permit would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) outlining best management practices to prevent soil erosion and runoff from the construction site.

C. Hazards and Hazardous Materials

1. The proposed project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires because the proposed project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3 and Appendix II-A of the Uniform Fire Code.
2. The County would post and enforce park facility regulations in accordance with the San Diego County Code of Regulatory Ordinances, Title 4 Public Property, Division 1. Parks and Recreation, Chapter 1. These rules include, but are not limited to the prohibition of smoking, campfires, open flames and the prohibition of fireworks, firearms, weapons, air guns, archery devices, slingshots, or explosives of any kind across, in or into a County park.

D. Hydrology and Water Quality

1. The project would be covered under the County's existing regional Waste Discharge Requirement Permit as long as the project's site design measures and/or source control Best Management Practices (BMPs) are consistent with the San Diego County Jurisdictional Urban Runoff Management Program (JURMP). The project also requires a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activities. Compliance

with the General Construction Permit would require the preparation of a SWPPP outlining BMPs that would be implemented during construction activities to prevent pollutants from entering nearby water bodies. The proposed project will comply with all requirements of these permits.

E. Noise

1. The proposed project will not generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36-410). Construction operations will occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that the proposed project will operate construction equipment in excess of an average sound level of 75 A-weighted decibels (dBA) between the hours of 7:00 a.m. and 7:00 p.m. Finally, it is not anticipated that the proposed project will operate construction equipment in excess of 75 dBA for more than 8 hours during a 24-hour period.

F. Transportation

1. Prior to construction of each trail segment, the final design shall be reviewed and approved by the County of San Diego Department of Public Works. Approval shall be determined based on the project's compliance with County transportation standards for all project crossings and shared usage with County right-of-way. These standards include, but are not limited to, signage, traffic separation, and visibility.

ADOPTION STATEMENT: This Draft Mitigated Negative Declaration and the above California Environmental Quality Act findings were made by the San Diego County Department of Parks and Recreation on May 1, 2020. This document is considered draft until it is adopted by the appropriate County of San Diego decision-making body.



Signature

05/01/2020

Date

Eira Whitty, Project Manager, Resource
Management Division

County of San Diego Department of Parks and
Recreation

Attachments:

California Environmental Quality Act Initial Study