

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

The project is located between Rancho Santa Fe Road and Paseo Privado in the cities of Carlsbad and San Marcos. It is situated within Sections 19 and 20, Township 12 South, Range 3 West on the U.S. Geological Survey 7.5-minute Rancho Santa Fe quadrangle.

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency _____

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Michael Z. Page Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



An Employee-Owned Company

March 2, 2021

Mr. Ryan Morgan, P.E.
Capital Facilities Senior Engineer
Vallecitos Water District
201 Vallecitos De Oro
San Marcos, CA 92069

Reference: Cultural Resources Survey Letter for the Failsafe Outfall and Emergency Bypass Pipeline
Phases I & II, Carlsbad and San Marcos, California (RECON Number 9725-1 and 9725-2)

Dear Mr. Morgan:

This letter details the results of the cultural resources survey conducted for the Failsafe Outfall and Emergency Bypass Pipeline Phases I & II Project (project). The approximately 4,140-linear-foot (Phase I: 3,080 linear feet; Phase II: 1,060 linear feet), 1.89-acre (Phase I: 1.415 acres; Phase II: 0.483 acre) project alignment was surveyed to determine the presence or absence of historical resources.

1.0 Project Description

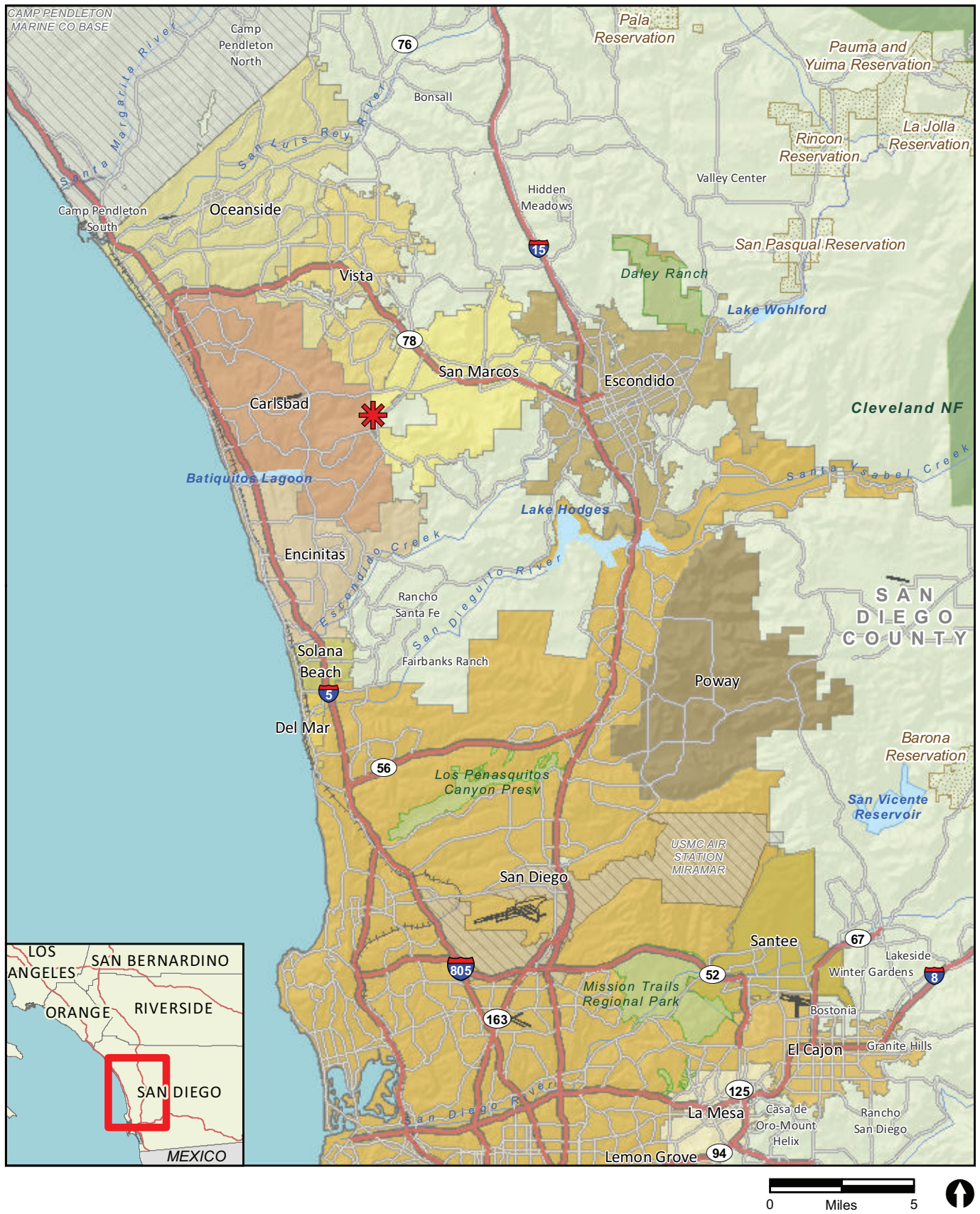
The project is located between Melrose Drive and Rancho Santa Fe Road, crossing both Paseo Privado and Brighton Glen Road, in the cities of Carlsbad and San Marcos (Figures 1 through 3). It is situated within Sections 19 and 20, Township 12 South, Range 3 West on the U.S. Geological Survey (USGS) 7.5-minute Rancho Santa Fe quadrangle (USGS 1996; see Figure 2). The project is located along a Vallecitos Water District (District) easement through largely undeveloped land adjacent to existing residential development (see Figure 3).

1.1 Phase I

The Phase I project alignment is located between Rancho Santa Fe Road and Paseo Privado. The District is proposing to rehabilitate approximately 3,080 feet of existing 16-inch reinforced plastic mortar sewer pipeline with a cured-in-place-pipe liner, replace necessary control valves and appurtenances to operate the line, and provide new access locations at incremental lengths along the alignment. The pipeline would be accessed by digging nine 12-foot-by-12-foot access pits and one open trench within the existing District easement. The pits are located within previously graded areas that are currently developed, landscaped, or disturbed. The trench is located on a slope just east of Brighton Glen Road, on a slope crossing through an area of native vegetation. Equipment and vehicles would access the work areas from the existing graded access path.

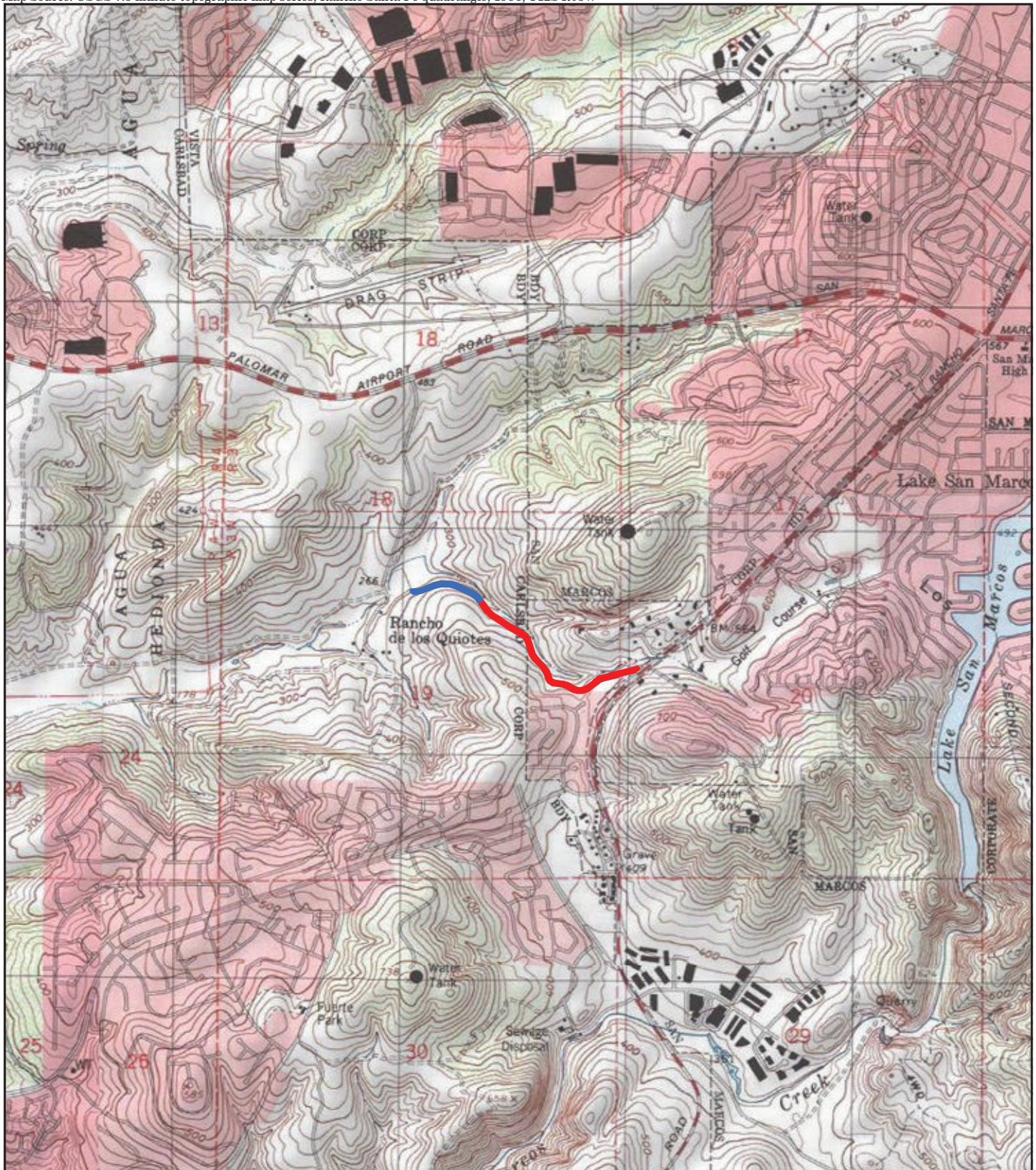
1.2 Phase II

The Phase II project alignment is located between Melrose Drive Road and Paseo Privado. The District is proposing to rehabilitate approximately 1,060 feet of existing 16-inch reinforced plastic mortar sewer pipeline with a cured-in-place-pipe liner, replace necessary control valves and appurtenances to operate the line, and provide new access locations at incremental lengths along the alignment. The District anticipates the work would require five access pits; however, methods have not been finalized and it is possible open trench methods will be required. To account for a worst-case-scenario, this report assumes pipeline access would require an open trench for the entire width of the District easement. Any spoils would be stored within existing disturbed or developed areas, or within the District easement, uphill from the trench.



 Project Location

FIGURE 1
Regional Location

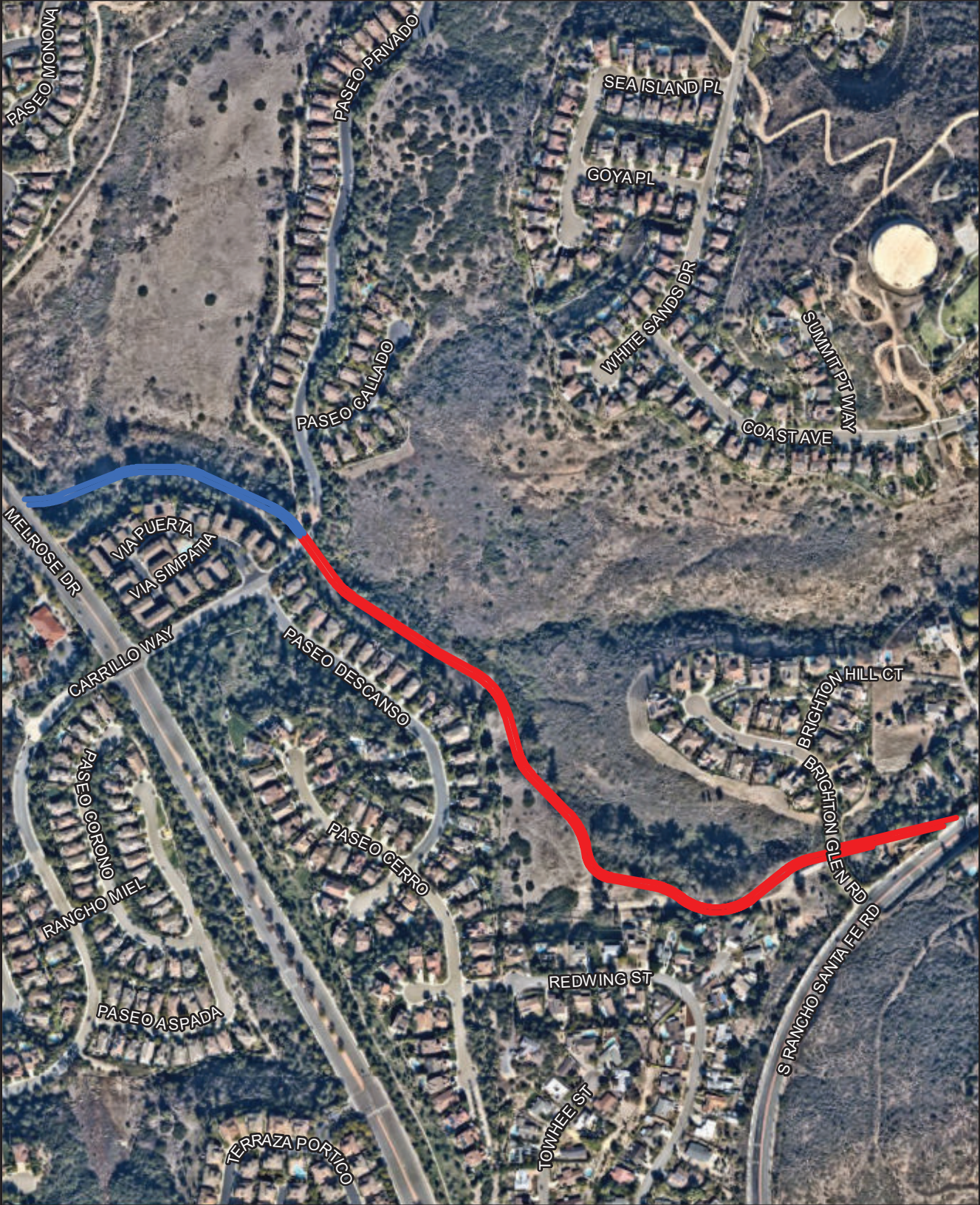


Pipeline Alignment

— Phase I

— Phase II





Pipeline Alignment

— Phase I

— Phase II



FIGURE 3
Project Location on Aerial Photograph

Appropriate best management practices, including orange construction fencing, silt fencing, fiber rolls, and other measures would be installed to prevent erosion and sedimentation into the surrounding areas and limit impacts to the approved work areas. Equipment and vehicles would access the work area from existing roads via the graded access path located to the south of the District easement. No additional clearing or grading is anticipated to be needed outside the District easement.

2.0 Methods

In order to determine if this project will adversely impact significant cultural resources, background research, review of historic topographic maps and aerial photographs, and an on-foot survey were completed. Prior to the survey, on September 29, 2020 a records search was requested from the South Coastal Information Center (SCIC) located on the campus of San Diego State University (Confidential Attachment 1). The records search was completed and reviewed to identify any previously recorded cultural resources recorded within a one-mile radius of the project area.

RECON Environmental, Inc. (RECON) archaeologist Nathaniel Yerka conducted a pedestrian survey of the approximately 4,140-linear-foot, 1.89-acre project alignment (see Figure 3) on November 19, 2020. Carmen Zepeda-Herman served as principal investigator. Ms. Zepeda-Herman is a member of the Register of Professional Archaeologists and meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation.

The primary goal of this survey was to determine (1) if there are previously unrecorded cultural resources present, and if so, document the resources' locations and what they consist of and (2) to update conditions of previously recorded cultural resources. The project area was inspected for evidence of archaeological materials such as flaked and ground stone tools or fragments, ceramics, milling features, and human remains. Photographs and field notes were taken to document the environmental setting and general conditions.

In addition, a letter was sent on September 29, 2020 to the Native American Heritage Commission (NAHC) requesting a search of their Sacred Lands File to identify spiritually significant and/or sacred sites or traditional use areas in the project vicinity. The NAHC was also asked to provide a list of local Native American tribes, bands, or individuals that may have concerns or interests regarding cultural resources potentially occurring within the project area.

3.0 Previous Research

The record search indicated that there have been 82 cultural investigations conducted within one mile of the project area, as well as 13 that cover the project area. The record search also indicated 55 cultural resources situated within one mile of the project area. One of these cultural resources occurs within the project area. The western extent of the project alignment is situated within the mapped boundary of P-37-015945, recorded by Brian F. Smith & Associates in 1997 as a series of concrete and cobble dams that may be a part of the Rancho de Los Quiotes (P-37-017444—Leo Carrillo Ranch State Park), the 1930s rancho created by movie actor Leo Carrillo (Cratty, P. 1988 and Smith, B. F. 1997). The point location of these dams (P-37-015945) was not provided in the 1997 site form; however, the mapped boundary of P-37-015945 extends into the extant Rancho de Los Quiotes complex along with the project area. There is also one historic address indicated in the one-mile search radius, 4758 Palomar Airport Road; an address associated with the Rancho de Los Quiotes.

The NAHC response letter dated October 6, 2020, noted that the Sacred Lands File search was completed with negative results; however, the response provided a list of other sources of cultural resources to contact for information regarding known and recorded sites. The NAHC reply is included as Attachment 1.

Review of historic aerial photographs indicate a farm pond just north of the western extent of the project alignment and abutting the current alignment of present-day Melrose Drive. A pond is visible at this location on the earliest available aerial, 1947, with a high-water mark represented on the 1967 aerial. This pond is first represented on a topographic map in 1949 with the approximate 380-foot dam alignment oriented north-northwest/south-southeast. The alignment of the dam remains visible on aerials up to 1997. A 1998 aerial exhibits the alignment area of the dam consumed by the construction of Melrose Drive (Nationwide Environmental Title Research LLC 2020).

4.0 Results of Survey

No cultural resources were identified during the survey. The survey was performed in conditions of clear skies and bright sunlight. For the most part, the Phase I and II project area occupied the transition area between an unnamed drainage generally to the north of the project alignment and a manufactured slope or cleared areas associated with residential development generally to the south of the project alignment.

4.1 Phase I

The Phase I project area was surveyed generally moving upslope from west to east, starting at the project alignment on the east side of Paseo Privado (Photograph 1), following the alignment and crossing Brighton Glen Road, and ending at South Rancho Santa Fe Road. The project alignment is fully disturbed from the placement of the existing utility, the construction of the adjacent single-family residential development to the south, the placement of a concrete brow ditch crossing the alignment (Photograph 2), the installation of an asphalt water crossing with associated rip rap (Photograph 3), the placement of utility access manholes (Photograph 4), the construction of Brighton Glen Road to the east (Photograph 5), and from both the revegetated slope at the western end of the private Star Pine Nursery and the install of non-native ornamental vegetation within the nursery. The project alignment evidences a graded dirt path composed of fill soils with a fair amount of decomposed granite within the matrix. These fill soils constitute the base of the northeast-facing manufactured slope of the adjacent single-family residential development. A fair amount of large rock and boulders occupy the pathway, either settled in place from the construction of the manufactured slope or removed from the manufactured matrix during placement of the existing utility alignment (Photograph 6). The graded pathway evidences existing utility alignment markers as well as recent, and most likely routine, vegetation clearing maintenance. The cleared area along the southern dip of the alignment (see Figure 3) evidences a small amount of construction rubble and vegetation dumping.

4.2 Phase II

The Phase II project area was surveyed generally moving downslope from east to west, starting at the project alignment on the west side of Paseo Privado (Photograph 7), following the alignment to the manufactured northeast-facing slope of Melrose Drive. The project alignment is fully disturbed from the placement of the existing utility, the construction of the adjacent multi-family residential development to the south, the manufactured pathway and fencing (Photograph 8), the installation of a brow ditch (Photograph 9), installation of ornamental vegetation, and the construction of Melrose Drive (Photograph 10). P-37-015945 was not observed within the project area. The California Department of Parks and Recreation site form for P-37-015945 has been updated (see Confidential Attachment 2).



PHOTOGRAPH 1
Overview of West End of Phase I Project Alignment,
Looking Southeast



PHOTOGRAPH 2
Overview of Brow Ditch Crossing Phase I Project Alignment,
Looking South



PHOTOGRAPH 3
Overview of Asphalt Water Crossing with Rip Rap,
Looking East-Southeast



PHOTOGRAPH 4
Overview of Manhole at East End of Phase I Project Alignment,
Looking Northeast



PHOTOGRAPH 5
Overview of Brighton Glen Road at East End of Phase I Project
Alignment, Looking East-Northeast



PHOTOGRAPH 6
Overview of Rocks and Boulders Along Phase I Project Alignment



PHOTOGRAPH 7
Overview of East End of Phase II Project Alignment,
Looking Northwest



PHOTOGRAPH 8
Overview of Phase II Project Alignment from Fenced Pathway,
Looking Northwest



PHOTOGRAPH 9
Overview of Brow Ditch Crossing Phase II Project Alignment,
Looking West-Northwest



PHOTOGRAPH 10
Overview of West End of Phase II Project Alignment from Melrose
Drive, Looking Northeast

5.0 Regulatory Context

5.1 National Register of Historic Places Eligibility Criteria

A cultural resource that qualifies for the National Register of Historic Places (National Register) is considered significant in terms of the planning process under the National Historic Preservation Act, National Environmental Policy Act, and other federal mandates. The National Register Criteria for Evaluation (36 Code of Federal Regulations [CFR] 60.4) provides guidance in determining a cultural resource's eligibility for listing on the National Register. This states that the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Is associated with the lives of persons significant in our past; or,
- C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history [36 CFR 60.4].

5.2 California Environmental Quality Act

The regulatory framework and methods for determining impacts on cultural resources include compliance with California Environmental Quality Act (CEQA) requirements as defined in Section 15064.5 of the CEQA Guidelines, Determining the Significance of Impacts to Archaeological and Historical Resources. These guidelines require the identification of cultural resources that could be affected by the project, the evaluation of the significance of such resources, an assessment of the project impacts on significant resources, and a development of a research design and data recovery program to avoid or address adverse effects to significant resources.

Significant resources, also called historical resources, are those cultural resources (whether prehistoric or historic) that have been evaluated and determined to be eligible for listing in the California Register of Historical Resources.

According to CEQA Section 15064.5(a), a historical resource includes the following:

- 1. A resource listed in, or determined to be eligible for listing on, the California Register of Historical Resources.
- 2. A resource included in the local register.
- 3. A resource which an agency determines to be historically significant. Generally a resource shall be considered to be "historically significant," if the resource meets the criteria for listing on the California Register of Historical Places (Public Resources Code Section 5024.1 Title 14 California Code of Regulations, Section 4852) including the following:
 - A. Is associated with events that have made a significant contribution to the broad patterns of California's history or cultural heritage;
 - B. Is associated with the lives of persons important in our past;
 - C. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of an important creative individual, or possesses high artistic values; or

D. Has yielded, or maybe likely to yield, information important to prehistory or history.

4. The fact that a resource is not listed in or determined to be eligible for listing in the California Register of Historical Resources or a local register does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

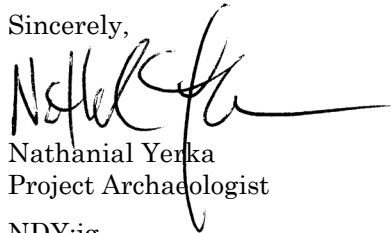
A resource must meet one of the above criteria and must have integrity; that is, it must evoke the resource's period of significance or, in the case of criterion D, it may be disturbed, but it must retain enough intact and undisturbed deposits to make a meaningful data contribution to regional research issues.

6.0 Management Recommendations

No cultural resources were identified during the survey of the Phase I and II project areas. No prehistoric cultural resources were indicated in the SCIC record search as occurring within either of the Phase I or Phase II project areas; however, the mapped boundary of one historic resource—P-37-015945—was identified as occurring within the Phase II project area. The series of concrete and cobble dam features previously recorded as P-37-015945 were not observed during the current survey. The previous research performed for this project indicates that a farm pond and associated dam alignment occurred just north of the western extent of the Phase II project alignment and abuts the current alignment of present-day Melrose Drive. P-37-015945 is presumed buried or destroyed by the construction of Melrose Drive. As a result, there would be no anticipated adverse effects to known cultural resources within the Phase I and Phase II project areas. Both project areas have been disturbed by construction of the present utility as well as by the construction of abutting roads and surrounding residential development. Given these past disturbances, the possibility of buried significant cultural resources being present within either project area is considered low. RECON recommends no further cultural resources work.

Please contact me if you have any questions or concerns about this project (619) 308-9333 extension 192 or nyerka@reconenvironmental.com.

Sincerely,



Nathaniel Yerka
Project Archaeologist

NDY:jg

Attachments

7.0 References Cited

Cratty, Patricia

- 1988 Site form for P-37-017444 on file at the South Coastal Information Center at San Diego State University.

Nationwide Environmental Title Research LLC

- 2020 Historic Aerials. <http://www.historicaerials.com/>. Accessed December 16, 2020.

Smith, Brian F.

- 1997 Site form for P-37-015945 on file at the South Coastal Information Center at San Diego State University.

ATTACHMENT 1

Native American Heritage Commission Response Letter

NATIVE AMERICAN HERITAGE COMMISSION

October 6, 2020

Carmen Zepeda-Herman
RECON EnvironmentalVia Email to: czepeda@reconenvironmental.com**Re: Failsafe Pipeline and Emergency Bypass Pipeline Phase I and II Project, San Diego County**

Dear Ms. Zepeda-Herman:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: steven.quinn@nahc.ca.gov.

Sincerely,

Steven Quinn
Cultural Resources Analyst

Attachment

CHAIRPERSON
Laura Miranda
*Luiseno*VICE CHAIRPERSON
Reginald Pagaling
*Chumash*SECRETARY
Merri Lopez-Keifer
*Luiseno*PARLIAMENTARIAN
Russell Attebery
*Karuk*COMMISSIONER
Marshall McKay
*Wintun*COMMISSIONER
William Mungary
*Paiute/White Mountain Apache*COMMISSIONER
[Vacant]COMMISSIONER
Julie Tumamait-Stenslie
*Chumash*COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
*Pomo***NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contact List
San Diego County
10/6/2020**

Barona Group of the Capitan Grande

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1095 Barona Road Diegueno
Lakeside, CA, 92040
Phone: (619) 443 - 6612
Fax: (619) 443-0681
cloyd@barona-nsn.gov

Campo Band of Diegueno Mission Indians

Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno
Campo, CA, 91906
Phone: (619) 478 - 9046
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rgoff@campo-nsn.gov

Ewiiapaayp Band of Kumeyaay Indians

Michael Garcia, Vice Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 445 - 6315
Fax: (619) 445-9126
michaelg@leaningrock.net

Ewiiapaayp Band of Kumeyaay Indians

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Iipay Nation of Santa Ysabel

Virgil Perez, Chairperson
P.O. Box 130 Diegueno
Santa Ysabel, CA, 92070
Phone: (760) 765 - 0845
Fax: (760) 765-0320

Iipay Nation of Santa Ysabel

Clint Linton, Director of Cultural Resources
P.O. Box 507 Diegueno
Santa Ysabel, CA, 92070
Phone: (760) 803 - 5694
cjlinton73@aol.com

Inaja-Cosmit Band of Indians

Rebecca Osuna, Chairperson
2005 S. Escondido Blvd. Diegueno
Escondido, CA, 92025
Phone: (760) 737 - 7628
Fax: (760) 747-8568

Jamul Indian Village

Lisa Cumper, Tribal Historic Preservation Officer
P.O. Box 612 Diegueno
Jamul, CA, 91935
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Jamul Indian Village

Erica Pinto, Chairperson
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Phone: (619) 669 - 4785
Fax: (619) 669-4817
epinto@jiv-nsn.gov

Kwaaymii Laguna Band of Mission Indians

Carmen Lucas,
P.O. Box 775 Kwaaymii
Pine Valley, CA, 91962 Diegueno
Phone: (619) 709 - 4207

La Posta Band of Diegueno Mission Indians

Javaughn Miller, Tribal Administrator
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
jmiller@LPtribe.net

La Posta Band of Diegueno Mission Indians

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This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Failsafe Pipeline and Emergency Bypass Pipeline Phase I and II Project, San Diego County.

**Native American Heritage Commission
Native American Contact List
San Diego County
10/6/2020**

**Manzanita Band of Kumeyaay
Nation**

Angela Elliott Santos, Chairperson
P.O. Box 1302 Diegueno
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Fax: (619) 766-4957

Rincon Band of Luiseno Indians

Bo Mazzetti, Chairperson
One Government Center Lane Luiseno
Valley Center, CA, 92082
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Fax: (760) 749-5144
bomazzetti@aol.com

**Mesa Grande Band of Diegueno
Mission Indians**

Michael Linton, Chairperson
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mesagrandeband@msn.com

Rincon Band of Luiseno Indians

Cheryl Madrigal, Tribal Historic
Preservation Officer
One Government Center Lane Luiseno
Valley Center, CA, 92082
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crd@rincon-nsn.gov

Pala Band of Mission Indians

Shasta Gaughen, Tribal Historic
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Rd. Luiseno
Pala, CA, 92059
Phone: (760) 891 - 3515
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sgaughen@palatribe.com

**San Pasqual Band of Diegueno
Mission Indians**

John Flores, Environmental
Coordinator
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Valley Center, CA, 92082
Phone: (760) 749 - 3200
Fax: (760) 749-3876
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**Pechanga Band of Luiseno
Indians**

Paul Macarro, Cultural Resources
Coordinator
P.O. Box 1477 Luiseno
Temecula, CA, 92593
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**San Pasqual Band of Diegueno
Mission Indians**

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**Pechanga Band of Luiseno
Indians**

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Phone: (951) 770 - 6000
Fax: (951) 695-1778
epreston@pechanga-nsn.gov

**Soboba Band of Luiseno
Indians**

Scott Cozart, Chairperson
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San Jacinto, CA, 92583 Luiseno
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This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Failsafe Pipeline and Emergency Bypass Pipeline Phase I and II Project, San Diego County.

**Native American Heritage Commission
Native American Contact List
San Diego County
10/6/2020**

***Soboba Band of Luiseno
Indians***

Joseph Ontiveros, Cultural
Resource Department
P.O. BOX 487
San Jacinto, CA, 92581
Phone: (951) 663 - 5279
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov

Cahuilla
Luiseno

***Sycuan Band of the Kumeyaay
Nation***

Kristie Orosco, Kumeyaay
Resource Specialist
1 Kwaaypaay Court
El Cajon, CA, 92019
Phone: (619) 445 - 6917

Kumeyaay

***Sycuan Band of the Kumeyaay
Nation***

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El Cajon, CA, 92019
Phone: (619) 445 - 2613
Fax: (619) 445-1927
ssilva@sycuan-nsn.gov

Kumeyaay

***Viejas Band of Kumeyaay
Indians***

Ernest Pingleton, Tribal Historic
Officer, Resource Management
1 Viejas Grade Road
Alpine, CA, 91901
Phone: (619) 659 - 2314
epingleton@viejas-nsn.gov

Diegueno

***Viejas Band of Kumeyaay
Indians***

John Christman, Chairperson
1 Viejas Grade Road
Alpine, CA, 91901
Phone: (619) 445 - 3810
Fax: (619) 445-5337

Diegueno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Failsafe Pipeline and Emergency Bypass Pipeline Phase I and II Project, San Diego County.

CONFIDENTIAL ATTACHMENTS

(Not for Public Review)



An Employee-Owned Company

March 2, 2021

Mr. Ryan Morgan, P.E.
Capital Facilities Senior Engineer
Vallecitos Water District
201 Vallecitos de Oro
San Marcos, CA 92069

Reference: Biological Resources Survey for the Failsafe Outfall and Emergency Bypass Pipeline Phase I Project (RECON Number 9725-1)

Dear Mr. Morgan:

This letter details the results of a biological resources survey conducted for the Failsafe Outfall and Emergency Bypass Pipeline Phase I Project (project). This letter report has been prepared to provide necessary information to the Vallecitos Water District (District) to analyze potential biological impacts within the project area and describe potential avoidance, minimization, and mitigation measures for the project.

Project Location and Description

The project is located between Rancho Santa Fe Road and Paseo Privado in the cities of Carlsbad and San Marcos (Figures 1 through 3). It is situated within Sections 19 and 20, Township 12 South, Range 3 West on the U.S. Geological Survey (USGS) 7.5-minute Rancho Santa Fe quadrangle (USGS 1996; see Figure 2). The project is located along a District easement through largely undeveloped land adjacent to existing residential development (see Figure 3). The project is situated within United States Fish and Wildlife Service (USFWS) designated final critical habitat for the coastal California gnatcatcher (*Polioptila californica californica*; Figure 4).

The District is proposing to rehabilitate 3,080 feet of existing 16-inch reinforced plastic mortar sewer pipeline with a cured-in-place-pipe liner, replace necessary control valves and appurtenances to operate the line, and provide new access locations at incremental lengths along the alignment. It is anticipated that the pipeline would be accessed by digging nine 12-foot-by-12-foot access pits and one open trench within the existing District easement. The pits are located within previously graded areas that are currently developed, landscaped, or disturbed. The trench is located just east of Brighton Glen Road, on a slope crossing through an area of native vegetation. For the purposes of impact analysis, the trench is assumed to be 20 feet wide. Equipment and vehicles would access the work areas from the existing graded access path.

Methods

Prior to conducting fieldwork, RECON Environmental, Inc. (RECON) analyzed existing sensitive species data recorded within two miles of the proposed project areas. This analysis included searches of the USFWS All Species Occurrences Database (USFWS 2020), the SanBIOS database (County of San Diego 2020), and California Natural Diversity Database (California Department of Fish and Wildlife [CDFW] 2020). Determination of the potential occurrence for sensitive species is based upon the results of the database searches, as well as known ranges and habitat preferences for the species.

Background research to assess the existing biological conditions also included a review of current and historical aerial satellite imagery (Google 2020), a USGS topographic map (USGS 1996), and United States Department of Agriculture (USDA) soil survey maps (1973).

The survey area for this project totals 8.34 acres and is defined based on a 50-foot buffer around the failsafe pipeline. RECON biologist Brian Parker conducted a biological resources survey on October 13, 2020 between 8:40 a.m. and 11:40 a.m. to map vegetation and inventory plant species, document wildlife species, and assess the suitability of habitat for sensitive species. Weather conditions during the survey were typical for the fall season, with temperatures between 83 and 94 degrees Fahrenheit, no cloud cover, and wind speeds of 1 to 3 miles per hour. The entire survey area was surveyed on foot, with the exception of the Star Pine Nursery at the eastern end of the survey area, which was not open to the public at the time of the survey and was surveyed from the public right-of-way.

Vegetation communities were mapped within the survey area, and dominant plant species were noted for each. Vegetation communities were classified according to Holland (1986), as modified by Oberbauer et al. (2008). Plant species within the survey area were noted, although a complete inventory of ornamental and landscaping plant species was not recorded. Animal species that were observed directly or detected from calls, tracks, scat, nests, or other sign were noted.

Nomenclature used in this letter follows the Jepson Online Interchange (Jepson Flora Project 2020), the California Native Plant Society (CNPS) online database (CNPS 2020) or Rebman and Simpson (2014) for plants, San Diego Natural History Museum (2002) for invertebrates, Chesson et al. (2020) and Unitt (2004) for birds, and Baker et al. (2003) for mammals.

Existing Biological Resources

Physical Conditions

The survey area largely follows a graded pathway that extends from Paseo Privado to Brighton Glen Road. The eastern portion of the survey area, between Brighton Glen Road and Rancho Santa Fe Road, occurs within a vegetated slope and the private Star Pine Nursery. The land generally slopes up to the south and down to the north. Elevations range from 338 feet above mean sea level just east of Paseo Privado at the western end of the survey area to 508 feet above mean sea level in Rancho Santa Fe Road at the eastern end of the survey area.

Vegetation Communities

Seven vegetation communities were mapped within the study area: southern riparian scrub, Diegan coastal sage scrub (including revegetated), non-native grassland, disturbed habitat, eucalyptus woodland, non-native vegetation, and developed land (see Figure 4; Table 1). Southern riparian scrub, Diegan coastal sage scrub, and non-native grassland are considered sensitive vegetation communities.

Southern riparian scrub occurs as a small patch located approximately 25 feet north and downhill of the pipeline (see Figure 4). This patch consists primarily of a dense stand, shrubby arroyo willows (*Salix lasiolepis*) surrounded by Diegan coastal sage scrub shrubs. Vegetation cover in this patch is nearly 100 percent.

Table 1 Vegetation Communities within the Survey Area (acres)		
Vegetation Community	Survey Area	Project Impacts
Southern riparian scrub	0.02	-
Diegan coastal sage scrub	2.24	<0.01 (375 sf)
Diegan coastal sage scrub – revegetated	0.11	0.04 (1,652 sf)
Non-native grassland	0.22	-
Disturbed habitat	3.27	0.03 (1,110 sf)
Eucalyptus woodland	0.46	-
Non-native vegetation	0.95	<0.01 (266 sf)
Urban/developed land	1.06	<0.01 (144 sf)
TOTAL	8.33	0.08 (3,537 sf)
sf = square feet		

Diegan coastal sage scrub is the most common native vegetation community within the survey area (see Figure 4 and Table 1). The dominant plant species in the Diegan coastal sage scrub is coyote brush (*Baccharis pilularis*), with sub-dominant amounts of toyon (*Heteromeles arbutifolia*), lemonade berry (*Rhus integrifolia*), and black sage (*Salvia mellifera*). There are also a small number of California sage brush (*Artemisia californica*), deerweed (*Acmispon glaber*), and orange-bush monkey flower (*Diplacus aurantiacus*). The easternmost patch of Diegan coastal sage scrub, located just east of Brighton Glen Road, appears to have been recently revegetated, as evidenced by a hydroseed mulch layer, irrigation lines, and rows of large rocks to serve as erosion control devices. This patch supports lower overall plant cover (approximately 5 percent) and a higher proportion of non-native species. Plant species within the revegetated Diegan coastal sage scrub include California encelia (*Encelia californica*), laurel sumac (*Malosma laurina*), deerweed, and jimson weed (*Datura wrightii*), with a notable presence of short-pod mustard (*Hirschfeldia incana*), bristly ox-tongue (*Helminthotheca echioides*), and tree tobacco (*Nicotiana glauca*).

Non-native grassland occurs on an east-facing slope just west of a graded, overgrown path in the central portion of the survey area (see Figure 4). Vegetation cover in this area is approximately 75 percent and dominated by soft chess (*Bromus hordeaceus*), barley (*Hordeum* sp.), fennel (*Foeniculum vulgare*), black mustard (*Brassica nigra*), and bristly ox-tongue.

Disturbed habitat is the dominant vegetation community, occurring throughout the survey area (see Figure 4). In the eastern portion of the survey area, most of the disturbed habitat follows an existing dirt road and is bare or has been cleared of vegetation. In the western portion of the survey area, the disturbed habitat consists of non-native annual grasses and forbs, interspersed with occasional native shrubs. Common plant species within the disturbed habitat include fennel, short-pod mustard, black mustard, bristly ox-tongue, Russian thistle (*Salsola tragus*), cardoon (*Cynara cardunculus* ssp. *flavescens*), telegraph weed (*Heterotheca grandiflora*), and coyote brush.

Eucalyptus woodland occurs in two patches in the central portion of the survey area (see Figure 4). These areas consist of non-native gum trees (*Eucalyptus* sp.) situated to the north and downhill from the graded access path. The understory of the eucalyptus woodland consists of fennel, laurel sumac, and non-native grasses.

Non-native vegetation, supporting landscaped ornamental shrubs, occurs in several areas, generally where the survey area extends onto portions of the adjacent residential properties or the existing nursery in the eastern end of the survey area (see Figure 4). Typical ornamental plants in the non-native vegetation include queen palm (*Syagrus romanzoffiana*), Indian hawthorn (*Raphiolepis* sp.), and pygmy date palm (*Phoenix roebellianii*).

Urban/developed land consists of graded, developed areas with existing structures or pavement, as well as some landscaped areas within private property. Within the survey area, urban/developed land was present within existing roadways as well as residential properties, and the nursery in the eastern portion of the survey area (see Figure 4). These developed areas included some non-native ornamental vegetation as landscaping. Species observed within the urban/developed land included magnolia (*Magnolia* sp.), sycamore (*Platanus* sp.), queen palm, Peruvian peppertree (*Schinus molle*), banana (*Musa* sp.), and bird of paradise (*Strelitzia* sp.).

Plant and Animal Species

A total of 43 plant species was detected in the survey area, including 15 native and 28 non-native species (Attachment 1). None of these species is considered sensitive. Based on the overall disturbed nature of the survey area, no sensitive species are expected to occur in the survey area.

Only nine wildlife species were detected during the survey: cabbage white butterfly (*Pieris rapae*), northern mockingbird (*Mimus polyglottos polyglottos*), house finch (*Haemorrhous mexicanus frontalis*), American crow (*Corvus brachyrhynchos*), California towhee (*Melospiza crissalis*), spotted towhee (*Pipilo maculatus*), Anna's hummingbird (*Calypte anna*), song sparrow (*Melospiza melodia*), and coyote (*Canis latrans*). These are generally common species that are typically found in urban areas and adjacent native habitats. None of these species is considered sensitive. Three sensitive species – coastal California gnatcatcher, Cooper's hawk (*Accipiter cooperii*), and San Diego black-tailed jackrabbit (*Lepus californica bennettii*) – have potential to occur in the survey area.

The coastal California gnatcatcher is federally listed as threatened and is a CDFW species of special concern. It is a nonmigratory, resident species found on the coastal slopes of southern California from Ventura County southward through San Diego into Baja California, Mexico (Atwood and Bontrager 2001; USFWS 2010). Coastal California gnatcatchers typically occur in mature coastal sage scrub habitat (Atwood and Bontrager 2001), especially where there is California sagebrush, California buckwheat (*Eriogonum fasciculatum*), California encelia, broom baccharis (*Baccharis sarothroides*), or coyote brush. No coastal California gnatcatchers were detected during the biological survey. The habitat on-site is dominated by coyote brush, with scattered California sagebrush (*Artemisia californica*) and California encelia, and no California buckwheat. As a result, this species has moderate potential to forage and nest in the intact Diegan coastal sage scrub, whereas the revegetated Diegan coastal sage scrub is currently unsuitable because it is too sparsely vegetated and lacks mature vegetation. As noted above, and shown on Figure 4, most of the project site lies within USFWS designated final critical habitat for the coastal California gnatcatcher.

Cooper's hawk is a CDFW watch list species (nesting). This species is found throughout North and Central America, from southern Canada, through the United States, Central America (Rosenfeld and Bielefeldt 1993). This species breeds throughout San Diego County's coastal slope and is most abundant in lowland and foothill canyons and in urban areas, breeding often in oak, riparian, and eucalyptus woodlands, as well as urban environments (Unitt 2004). Cooper's hawk primarily preys upon medium-sized birds but is also known to eat small mammals such as chipmunks and other rodents (Rosenfeld and Bielefeldt 1993). This species has moderate potential to occur or nest in the large gum trees within the eucalyptus woodland, disturbed habitat, and Diegan coastal sage scrub.

The San Diego black-tailed jackrabbit is a CDFW species of special concern. It ranges from southern Kern County southward and west of the Peninsular Range into Baja California (Hall 1981). It occupies open or semi-open coastal sage scrub and open chaparral (Bond 1977, Tremor et al. 2017). It is strictly herbivorous, preferring habitat with ample forage such as grasses and forbs. The Diegan coastal sage scrub (including revegetated), non-native grassland, and associated disturbed habitat have moderate to high potential to support this species.

Impacts

Sensitive Vegetation Communities

All of the proposed access pits are located in non-sensitive vegetation communities (disturbed habitat, non-native vegetation, and urban/developed land), while the trench would cross through non-native vegetation, Diegan coastal sage scrub, and revegetated Diegan coastal sage scrub (Figure 5). Total impacts to sensitive vegetation communities would include 0.01 acre (375 square feet) of Diegan coastal sage scrub and 0.04 acre (1,652 square feet) of revegetated Diegan coastal sage scrub (see Table 1).

In addition to the Diegan coastal sage scrub that would be impacted, southern riparian scrub, Diegan coastal sage scrub (including revegetated), and non-native grassland are present in the surrounding areas downhill from the access pit and trench locations. If spoils, loose dirt, or other materials are not contained within the work areas and are deposited on native vegetation, these vegetation communities have potential to be impacted.

Sensitive Plant and Animal Species

No sensitive plant species were observed or are expected to be impacted by the project; however, three sensitive animal species have potential to be impacted. These are discussed below.

The coastal California gnatcatcher has moderate to potential to be directly and/or indirectly impacted if construction occurs during this species' breeding season (March 1 to August 15). Direct impacts may occur if this species is nesting in the Diegan coastal sage scrub that would be removed. Indirect impacts from construction noise may occur if construction occurs within 300 feet of nesting coastal California gnatcatchers. Avoidance measures would be required to prevent significant direct or indirect impacts to coastal California gnatcatcher. Provided the avoidance measures described below are implemented, impacts to coastal California gnatcatcher would be avoided, and no consultation with the USFWS would be required.

In addition, the project would impact USFWS designated final critical habitat for this species. Avoidance measures would be required to prevent significant direct or indirect impacts to coastal California gnatcatcher and its critical habitat.

The project would not result in direct impacts to Cooper's hawk as no suitable trees would be removed during construction. Indirect impacts to Cooper's hawk may occur if this species is determined to be nesting in the eucalyptus woodland adjacent to the construction area. However, such impacts would be considered less than significant and would not require mitigation.

As noted above, San Diego black-tailed jackrabbit has moderate potential to occur in the Diegan coastal sage scrub, non-native grassland, and disturbed habitat that would be impacted. However, this is a highly mobile species and is generally expected to be able to avoid construction equipment. Thus, no direct impacts to San Diego black-tailed jackrabbit are anticipated.

In addition to the sensitive species noted above, the project has potential to cause direct impacts to nesting migratory birds and raptors protected by the federal Migratory Bird Treaty Act and state Fish and Game Code Sections 3503 and 3503.5 if construction would occur during the bird breeding season (March 1 to August 15). Such direct impacts would require avoidance measures as discussed below.

Recommended Measures

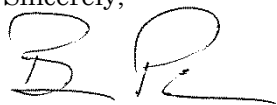
The following measures are recommended to avoid or prevent significant impacts to sensitive biological resources.

1. Silt fencing, straw wattles, and/or other relevant erosion control best management practices (BMPs) are recommended to contain soil, sediment, and other materials within the designated work areas and prevent erosion and deposition onto native vegetation in the surrounding areas.
2. A biological monitor should be present during vegetation clearing to verify that construction remains within the approved limits of disturbance and to assist the construction crew in minimizing impacts to sensitive biological resources.
3. All areas outside the established access path that are disturbed during construction (i.e., access pits) should be hydroseeded with a native seed mix following construction. Species to be incorporated into the seed mix should be limited to relevant native species found in the surrounding habitat, including coyote brush, California encelia, black sage, deerweed, California sagebrush, and purple needlegrass (*Stipa pulchra*).
4. Construction should be timed to avoid the breeding season for coastal California gnatcatcher, Cooper's hawk, and other avian species protected by the federal Migratory Bird Treaty Act and state Fish and Game Code Sections 3503 and 3503.5 (March 1 to August 15). If construction must occur during this period, additional measures should be implemented as follows:
 - a. Pre-construction surveys should be conducted for coastal California gnatcatcher. A total of two survey visits should be performed, one within seven days and one within 24 hours of the start of construction. If no nesting gnatcatchers are detected within 300 feet of the project impact areas, no additional measures will be needed for this species. If coastal California gnatcatchers are detected, either consultation with the USFWS must occur or construction must be avoided within 300 feet of occupied habitat until the end of the breeding season or the nest is no longer active.
 - b. A pre-construction clearance survey should be conducted for avian species protected by the federal Migratory Bird Treaty Act and state Fish and Game Code Sections 3503 and 3503.5. If no nesting birds are detected in the impact area, no additional measures would be required. If nesting birds are detected within the impact area, a construction avoidance buffer would be required around the nest to ensure no construction activities may occur within the buffer until the end of the breeding season or after the nest is no longer active. The radius of the avoidance buffer would be determined based on the species and location of the nest.
 - c. If nests of any species are detected during the pre-construction surveys described in Recommendations 2(a) or (b), a biological monitor should be retained to monitor construction when activities would occur adjacent to the avoidance buffer. The biological monitor should make periodic (i.e., weekly) site visits to inspect the nest and determine whether it is active.

Mr. Ryan Morgan
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March 2, 2021

With implementation of the recommended measures above, the project is anticipated to avoid impacts to sensitive species and no compensatory mitigation would be required. Please contact me at bparker@reconenvironmental.com or (619) 308-9333 extension 109, if you have any questions regarding this analysis or recommendations.

Sincerely,



Brian Parker
Associate Project Manager

BDP:sh

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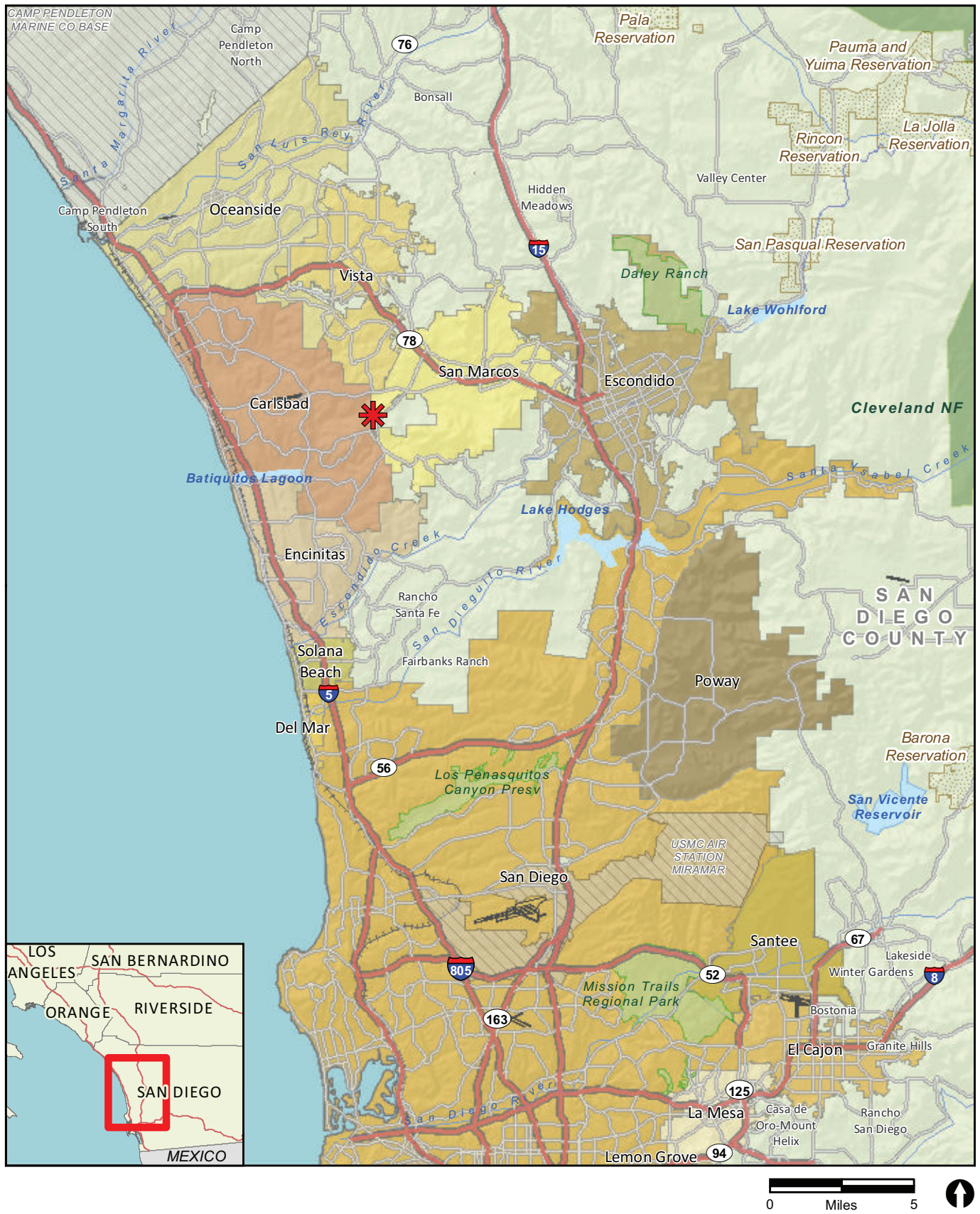
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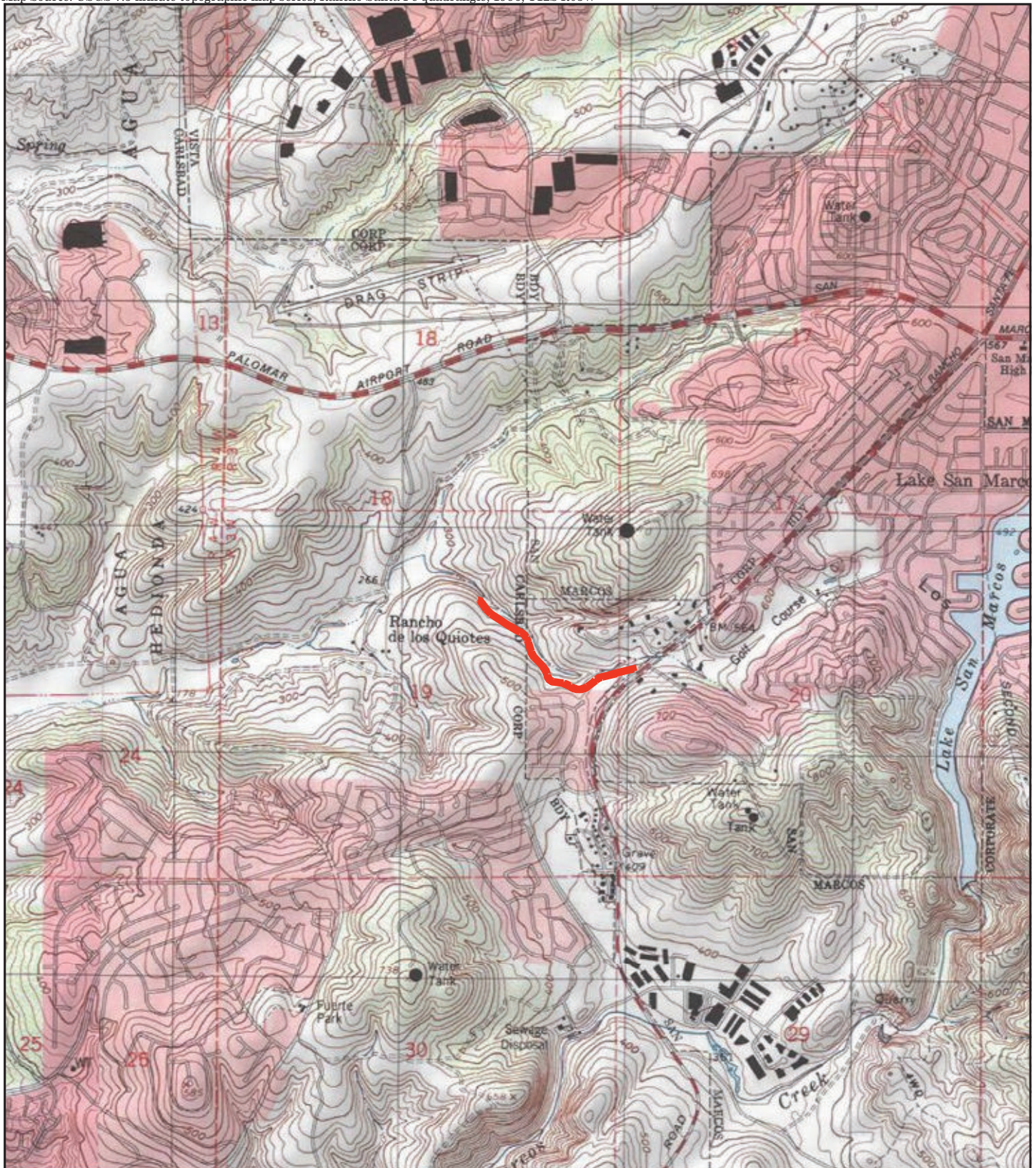
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✱ Project Location

FIGURE 1
Regional Location



— Pipeline Alignment

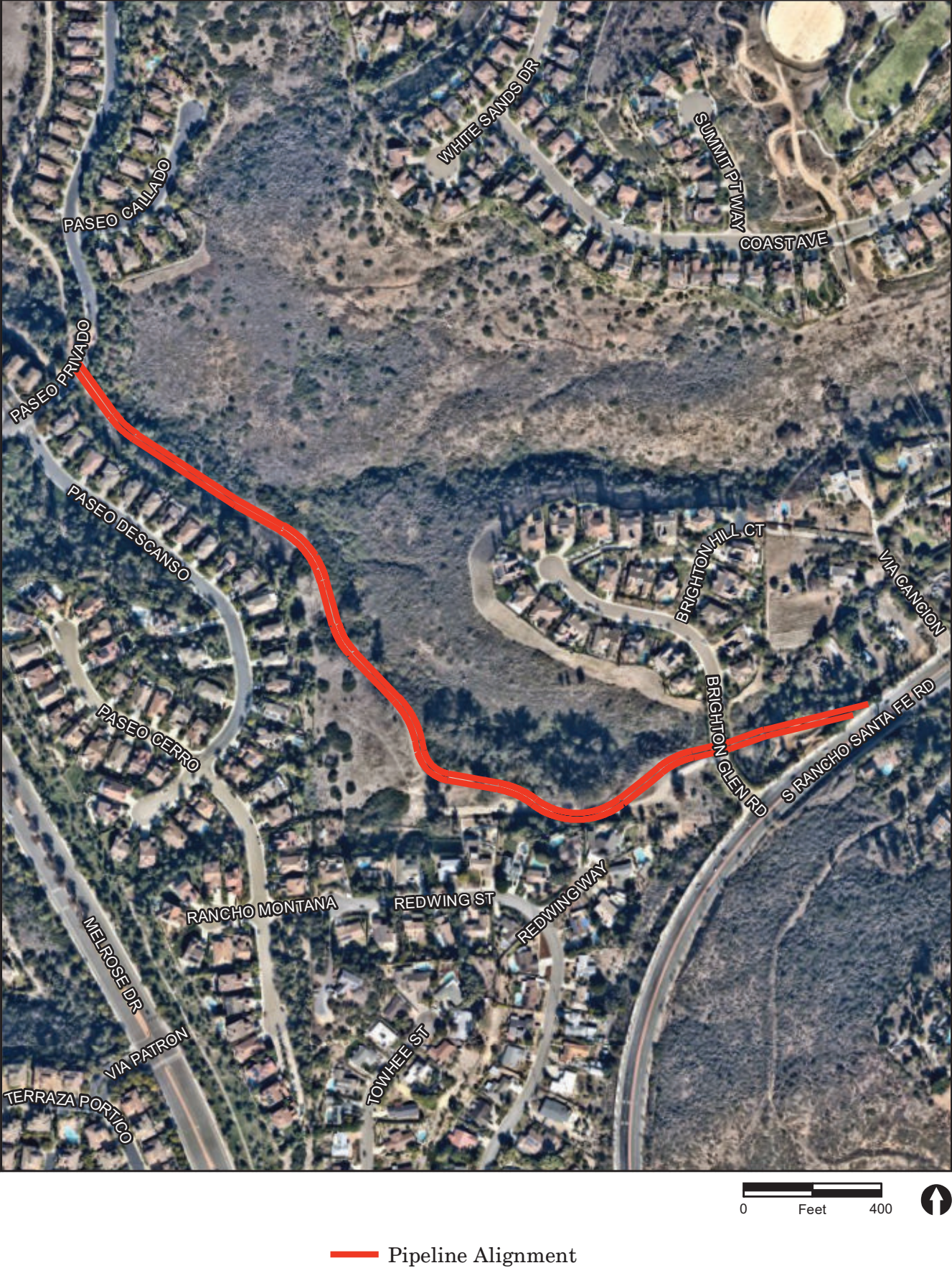
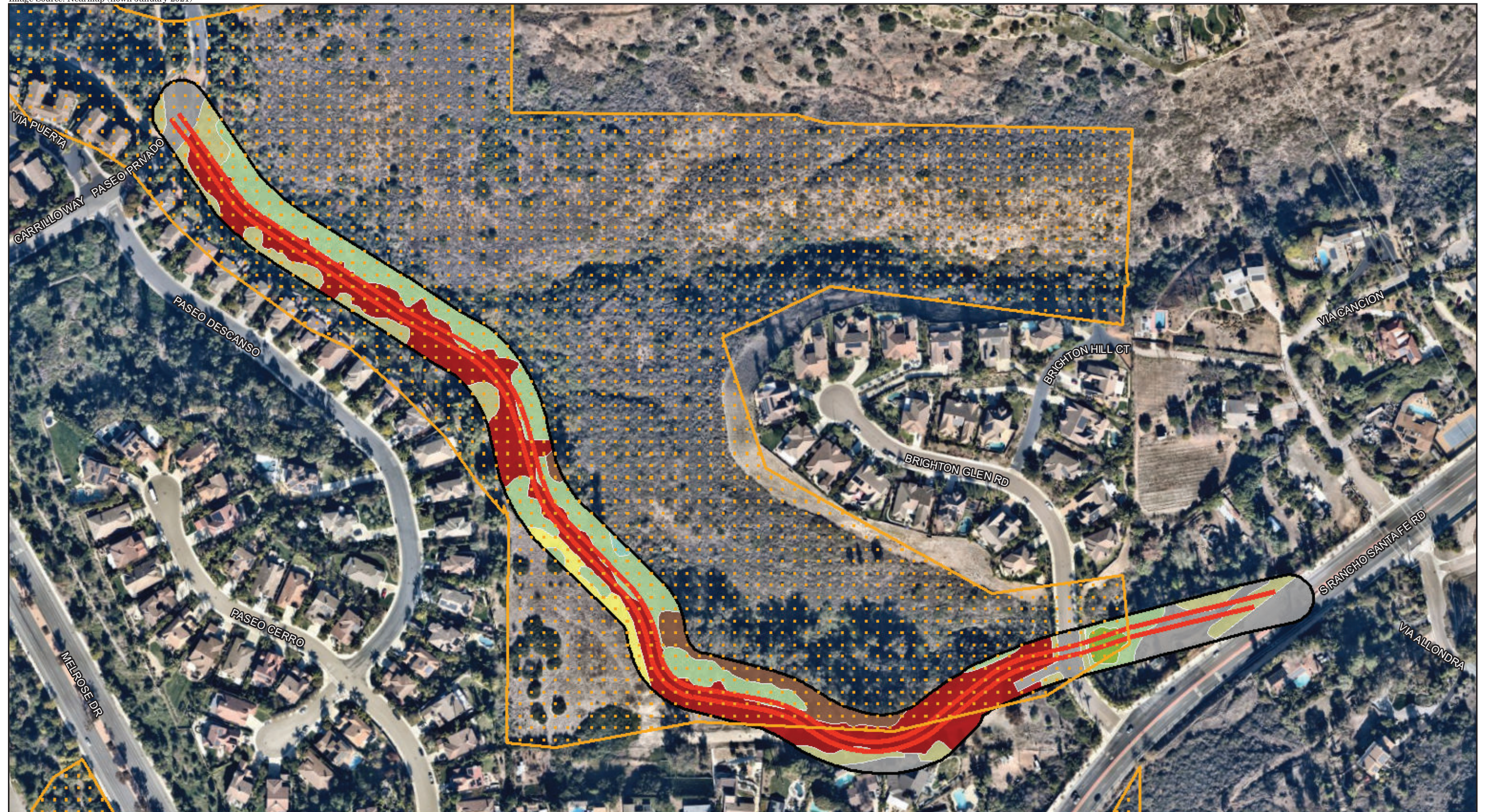


FIGURE 3
Project Location on Aerial Photograph



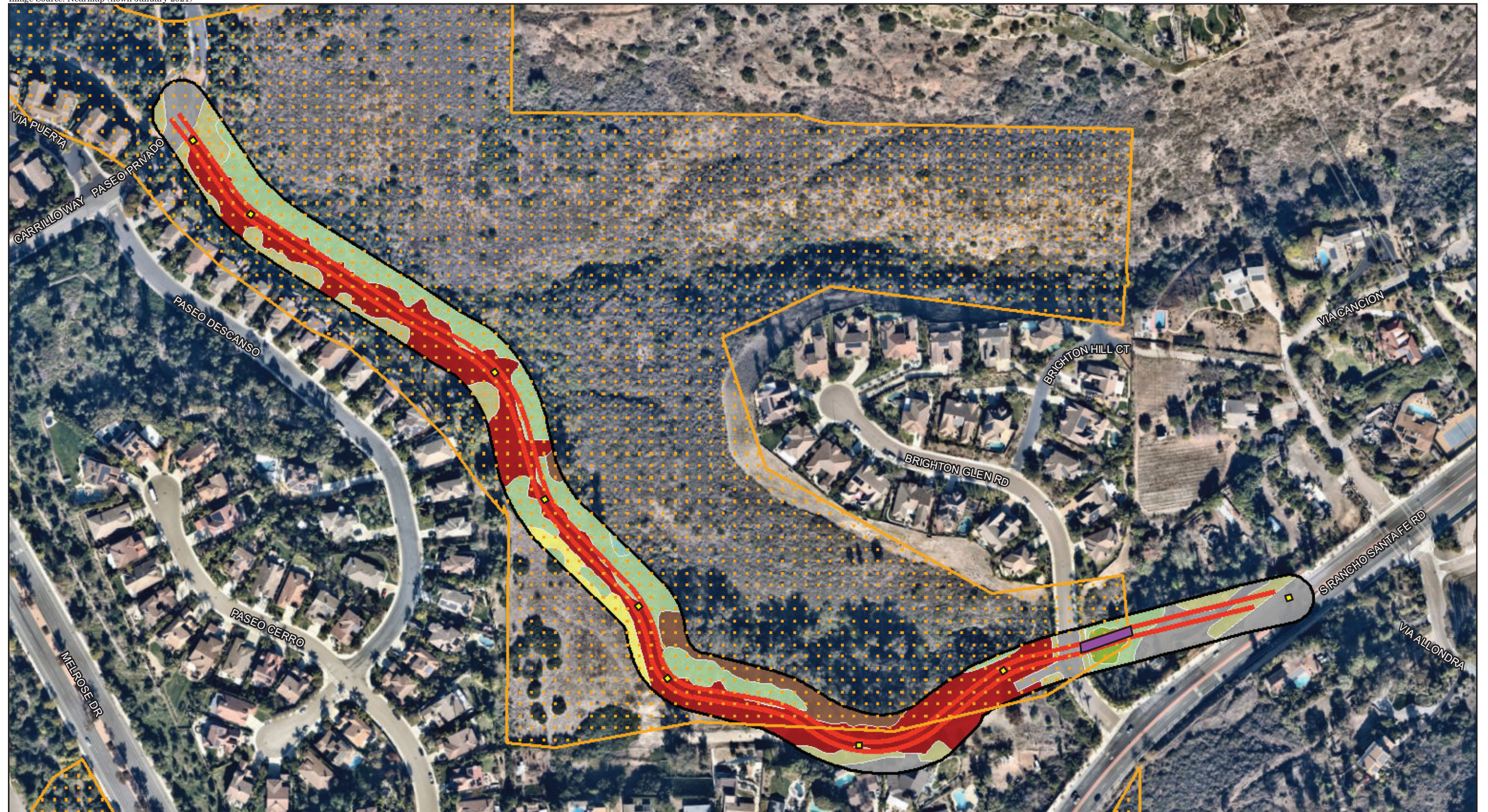
- Pipeline Alignment
- Coastal California Gnatcatcher
Poliptila californica californica
Critical Habitat (USFWS)

- Vegetation Communities**
- Diegan Coastal Sage Scrub
 - Diegan Coastal Sage Scrub - Revegetated
 - Non-native Grassland
 - Southern Riparian Scrub

- Eucalyptus Woodland
- Non-native Vegetation
- Disturbed Habitat
- Urban/Developed



FIGURE 4
Existing Biological Resources



— Pipeline Alignment

■ Access Pits

■ Trench

■ Coastal California Gnatcatcher
Poliophtila californica californica
Critical Habitat (USFWS)

Vegetation Communities

■ Diegan Coastal Sage Scrub

■ Diegan Coastal Sage Scrub - Revegetated

■ Non-native Grassland

■ Southern Riparian Scrub

■ Eucalyptus Woodland

■ Non-native Vegetation

■ Disturbed Habitat

■ Urban/Developed

0 Feet 200



FIGURE 5
Impacts to Biological Resources

ATTACHMENT 1

Plant Species Observed

Attachment 1 Plant Species Observed			
Scientific Name	Common Name	Habitat	Origin
ANGIOSPERMS: MONOCOTS			
AGAVACEAE	AGAVE FAMILY		
<i>Agave americana</i>	American century plant	NNV	I
<i>Yucca guatemalensis</i>	bluestem yucca	DCSS, DEV, ORN	I
ARECACEAE	PALM FAMILY		
<i>Phoenix canariensis</i>	Canary Island palm	DH, NNV	I
<i>Phoenix roebelenii</i>	pygmy date palm	NNV	I
<i>Syagrus romanzoffiana</i>	queen palm	NNV, UD	I
MUSACEAE	BANANA FAMILY		
<i>Musa</i> sp.	banana	UD	I
POACEAE (GRAMINEAE)	GRASS FAMILY		
<i>Bromus hordeaceus</i>	soft chess	NNG	I
<i>Cynodon dactylon</i>	Bermuda grass	DCSS	I
<i>Hordeum</i> sp.	barley	NNG	I
<i>Schismus barbatus</i>	Mediterranean schismus	DH	I
<i>Stipa [=Nassella]</i> sp.	needle grass	NNG, DCSS	N
STRELITZIACEAE	BRODIAEA FAMILY		
<i>Strelitzia</i> sp.	bird of paradise flower	UD	I
ANGIOSPERMS: DICOTS			
ANACARDIACEAE	SUMAC OR CASHEW FAMILY		
<i>Malosma laurina</i>	laurel sumac	DCSS, DCSS-R	N
<i>Rhus integrifolia</i>	lemonade berry	DCSS, EW	N
<i>Schinus molle</i>	Peruvian pepper tree	UD	I
APIACEAE (UMBELLIFERAE)	CARROT FAMILY		
<i>Foeniculum vulgare</i>	fennel	DCSS, NNG, DH	I
ASTERACEAE	SUNFLOWER FAMILY		
<i>Artemisia californica</i>	California sagebrush		N
<i>Baccharis pilularis</i>	chaparral broom, coyote brush	DCSS, DH	N
<i>Baccharis salicifolia</i> ssp. <i>salicifolia</i>	mule fat, seep-willow	DH	N
<i>Cynara cardunculus</i> ssp. <i>flavescens</i>	cardoon, artichoke thistle	DCSS, DH	I
<i>Encelia californica</i>	California encelia	DCSS-R	N
<i>Hazardia squarrosa</i>	saw-toothed goldenbush	DCSS-R	N
<i>Helminthotheca [=Picris] echiioides</i>	bristly ox-tongue	DCSS-R, NNG, DH	I
<i>Heterotheca grandiflora</i>	telegraph weed	DCSS-R, DH	N
<i>Stephanomeria</i> sp.	wreath-plant	DCSS-R, DH	N
BRASSICACEAE (CRUCIFERAE)	MUSTARD FAMILY		
<i>Brassica nigra</i>	black mustard	DCSS, NNG, DH	I
<i>Hirschfeldia incana</i>	short-pod mustard	DCSS, DCSS-R, DH	I
CHENOPODIACEAE	GOOSEFOOT FAMILY		
<i>Salsola tragus</i>	Russian thistle, tumbleweed	DH	I
CRASSULACEAE	STONECROP FAMILY		
<i>Crassula ovata</i>	jade plant	EW	I

Attachment 1 Plant Species Observed			
Scientific Name	Common Name	Habitat	Origin
EUPHORBIACEAE	SPURGE FAMILY		
<i>Euphorbia</i> [= <i>Chamaesyce</i>] sp.	spurge	DCSS-R	I
FABACEAE (LEGUMINOSAE)	LEGUME FAMILY		
<i>Acacia</i> sp.	acacia	EW	I
<i>Acmispon glaber</i>	deerweed, California broom	DCSS, DCSS-R	N
<i>Medicago polymorpha</i>	California burclover	DH	I
LAMIACEAE	MINT FAMILY		
<i>Salvia mellifera</i>	black sage	DCSS	N
MAGNOLIACEAE	MAGNOLIA FAMILY		
<i>Magnolia</i> sp.	magnolia	UD	I
MYRTACEAE	MYRTLE FAMILY		
<i>Eucalyptus</i> sp.	gum tree	DCSS, DH, EW	I
PHRYMACEAE	HOPSEED FAMILY		
<i>Diplacus</i> [= <i>Mimulus</i>] <i>aurantiacus</i>	orange bush monkeyflower	DCSS, DCSS-R	N
PLATANACEAE	SYCAMORE FAMILY		
<i>Platanus</i> sp.	sycamore	UD	I
PORTULACACEAE	PURSLANE FAMILY		
<i>Portulacaria afra</i>	elephant's food	EW	I
ROSACEAE	ROSE FAMILY		
<i>Heteromeles arbutifolia</i>	toyon, Christmas berry	DCSS	N
<i>Raphiolepis</i> sp.	Indian hawthorn	NNV	I
SOLANACEAE	NIGHTSHADE FAMILY		
<i>Datura wrightii</i>	western Jimson weed	DCSS, DCSS-R	N
<i>Nicotiana glauca</i>	tree tobacco	DCSS-R, DH	I
HABITATS		ORIGIN	
DCSS = Diegan coastal sage scrub		N = Native to locality	
DCSS-R = Restored Diegan coastal sage scrub		I = Introduced species from outside locality	
DH = Disturbed habitat			
EW = Eucalyptus woodland			
NNV = Non-native vegetation			
SRS = Southern riparian scrub			
UD = Urban/developed land			