

CHAPTER 3

Final Mitigation Monitoring and Reporting Program

Pursuant to Section 21081.6 of the Public Resources Code and the *CEQA Guidelines* Section 15097, a public agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. As stated in the Public Resources Code:

“...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the document. The public agency may delegate reporting or monitoring responsibilities to another public agency or a private entity, which accept delegations. The lead agency, however, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the program.

The mitigation monitoring table below lists mitigation measures required of the proposed project in order to reduce potential significant impacts. These measures may also be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

This Final Mitigation Monitoring and Reporting Program (MMRP) is set up as a compliance report, with space for confirming the correct mitigation measures have been implemented for the proposed project. In order to sufficiently track and document the status of mitigation measures, the matrix below has been prepared with the following components:

- Mitigation measures;
- Monitoring Phase:
 - Pre-construction, including the design phase;
 - Construction; and/or
 - Occupancy (post-construction).
- Enforcement agency/Responsible agency;

- Verification of Compliance (for use during the reporting/monitoring).

Information pertaining to compliance with mitigation measures or any necessary modifications and refinements will be documented in the verification of compliance portion of the matrix. The mitigation matrix follows this section.

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**TABLE 3-1
SAN DIEGO RIVER RUFFIN CANYON TRAIL & URBAN WALK FINAL MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Monitoring Phase	Enforcement Agency & Responsible Agency	Verification of Compliance		
			Initials	Date	Remarks
Biological Resources					
<p>Mitigation Measure MM-BIO-1: Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting, the City shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following Project requirements regarding the coastal California gnatcatcher are shown on the construction plans:</p> <ul style="list-style-type: none"> In order to avoid "take" of coastal California gnatcatcher, no clearing, grubbing, grading or other noise-generating construction activities shall occur between March 1st and August 15th. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist. If avoidance of the breeding season is not feasible a permitted biologist approved by USFWS to conduct breeding bird surveys for coastal California gnatcatcher shall conduct a preconstruction clearance survey for active nests no more than 3 days prior to the initiation of Project activities. If an active nest is found, the Project proponent shall delay all Project activities within 300 feet of on- and off-site suitable nesting habitat until August 15th. Alternatively, if an active nest is located the biologist can monitor the nest and any Project activities within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet between the Project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. A biological monitor must be present during all vegetation clearing and noise-generating construction activities during the breeding season 	Pre-construction (No more than 3 days prior to initiation of construction)	Construction manager, general contractor, and San Diego River Conservancy, City of San Diego			

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<p>in order to prevent take of active nests and to ensure that noise levels are not exceeding 60dB(A). If noise levels at the edge of occupied gnatcatcher habitat exceed 60dB(A), noise attenuation methods shall be installed and monitored.</p>					
<p>Mitigation Measure MM-BIO-2: San Diego barrel cactus and San Diego viguiera shall be avoided. A biological monitor shall be present during all vegetation clearing to ensure impacts stay within the proposed Project footprint and to ensure impacts to these two species are avoided. If complete avoidance of these special-status plants is not feasible, then the following measures shall be implemented:</p> <ul style="list-style-type: none"> Viguiera shall be restored by including seed of this species in coastal upland restoration seed mixes, per the Biology Guidelines of the Land Development Code (see Mitigation Measure MM BIO-5 below). Prior to removal of viguiera, duff and soil from the base of the plant that contains seeds shall be collected and used for restoration and revegetation. San Diego barrel cactus will be salvaged and transplanted within the identified upland restoration areas on the Project site, subject to approval by the City (see Mitigation Measure MM-BIO-3 below). 	Construction	Construction manager, general contractor, and San Diego River Conservancy, City of San Diego			
<p>Mitigation Measure MM-BIO-3: Within the MHPA, impacts to coastal cactus wren habitat must be avoided. If avoidance of cactus wren habitat is not feasible, then prior to the issuance of the grading permit, all listed species below actually present onsite (as appropriate) shall be described in a salvage plan (included in the restoration plan) to the satisfaction of the City.</p> <p>Scientific Name <i>Cylindropuntia californica</i> var. <i>californica</i> *<i>Cylindropuntia prolifera</i></p>	Construction	Construction manager, general contractor, and San Diego River Conservancy, City of San Diego			

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<p>*<i>Dudleya edulis</i> *<i>Dudleya lanceolata</i> *<i>Dudleya pulverulenta</i> <i>Euphorbia misera</i> *<i>Ferocactus viridescen</i> *<i>Mammillaria dioica</i> *<i>Opuntia littoralis</i> *<i>Opuntia oricola</i> *<i>Yucca whipplei</i> *<i>Yucca schidigera</i></p> <p>*Species present onsite based on site specific biology reports & City staff input – this list is also subject to future refinements at the discretion of the City and Wildlife Agencies.</p> <p>The salvage plan is required to provide appropriate species for use within City sanctioned coastal cactus wren mitigation sites. These sites are currently as follows: Northern- Lake Hodges and Wild Animal Park; Southern – Rancho Jamul/San Diego National Wildlife Refuge Sites.</p> <p>Prior to construction, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Prior to the first preconstruction meeting, the applicant shall provide a letter of verification to the City stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines, has been retained to implement the salvage plan. • At least 30 days prior to the preconstruction meeting, the qualified Biologist shall verify that a coastal cactus wren plant salvage/relocation plan (including species, locations, numbers, timing and handling, etc.) has been completed and approved by the City and the appropriate contact from the receiving site (the City can aid notification by phone and/or email). <p>Post construction, the following measure shall be implemented:</p> <ul style="list-style-type: none"> • Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. Any actions taken related to coastal cactus wren 					

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protection, including salvage of species, shall also be included in this letter. This letter report shall be submitted to City Staff.					
<p>Mitigation Measure MM-BIO-4:</p> <p>Proposed project activities (including, but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) should not occur during the avian breeding season which runs from February 1st - September 15th to avoid impacts to birds or their eggs.</p> <p>If avoidance of the avian breeding season is not feasible a qualified biologist with experience conducting breeding bird surveys shall conduct a preconstruction clearance survey for active nests no more than 3 days prior to the initiation of project activities. If a protected native bird is found, the project proponent shall delay all project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until September 15th.</p> <p>Alternatively, if an active nest is observed, the biologist can monitor the nest and any project activities within 300 feet of the nest (within 500 feet for raptor nests), or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.</p> <p>If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she shall submit a written explanation (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the City. Based on the submitted information, the City will determine whether to allow a narrower buffer.</p> <p>The biological monitor shall be present on site during all</p>	Pre-construction (No more than 3 days prior to initiation of construction), Construction	Construction manager, general contractor, and San Diego River Conservancy, City of San Diego			

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<p>grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities. The biological monitor shall send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and shall notify the City immediately if project activities damage active avian nests.</p> <p>The weekly reports shall also include, if necessary, additional mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction/noise barriers, and specific buffer widths [see below], etc.) to the satisfaction of the City.</p> <p>In addition to the previous requirements, any development inside the MHPA which identifies the occurrence of the following species must include an impact avoidance area as follows:</p> <ul style="list-style-type: none"> • 300 feet from any nesting site of Cooper's hawk (<i>Accipiter cooperii</i>) • 900 feet from any nesting sites of northern harriers (<i>Circus cyaneus</i>) • 4,000 feet from any nesting sites of golden eagles (<i>Aquila chrysaetos</i>) • 300 feet from any occupied burrow of burrowing owls (<i>Athene cunicularia</i>) <p>These conditions are requirements of the Incidental Take Authorization in order to consider these species adequately conserved under the MSCP. Although these species were not observed during the biological surveys, incidental observations during construction may warrant specific avoidance and minimization measures described in the Biology Guidelines of the Land Development Code.</p>					

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<p>Mitigation Measure MM-BIO-5: Mitigation for permanent and temporary impacts to Tier II, Tier IIIA and Tier IIIB vegetation communities will occur through onsite habitat restoration within the existing disturbed and ornamental areas of the study area (see Figure 1-5). A Revegetation / Restoration Plan shall be prepared consistent with Attachment B of the Land Development Code 2012 Biology Guidelines. No mitigation shall occur within the 100-foot brush management zone below adjoining residential parcels as any onsite mitigation efforts shall need to remain in perpetuity without the risk of clearing or removal. In addition, all sensitive vegetation communities temporarily disturbed during Project implementation shall be restored to their original condition post construction. Per the Biology Guidelines of the Land Development Code:</p> <ul style="list-style-type: none"> • Impacts to 0.368 acre of coastal sage scrub and 0.521 acre of mixed chaparral will be mitigated at a 1:1 ratio inside the MHPA and at a 2:1 ratio outside the MHPA through creation of 1.5 acres of coastal sage scrub habitat along the unauthorized trails and within the existing disturbed areas at the north end of Ruffin Canyon and the far eastern end of Shawn Canyon (see Figure 1-5). • A conceptual restoration plan pursuant to City guidelines will be prepared that includes the restoration of coastal sage scrub in disturbed habitats inside and outside the MHPA, and restoration of the unauthorized trail system in Ruffin and Sandrocks Canyons. 	<p>Pre-construction, Construction, Post-construction</p>	<p>Construction manager, general contractor, and San Diego River Conservancy, City of San Diego</p>			

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<p>Mitigation Measure MM-BIO-6:</p> <p>Prior to the issuance of any construction permits for the project, the project proponent shall obtain a Section 404 Clean Water Act Nationwide Permit (NWP #42) from the USACE, Section 401 Water Quality Certification from the RWQCB, and Section 1602 Streambed Alteration Agreement from CDFW to address impacts to 0.063 acre of non-wetland waters of the U.S. and waters of the State.</p> <p>As part of the Section 404 process, the results from the recent formal delineation of potential wetlands and other waters of the U.S. located within the project area shall be submitted to the USACE for verification. State and federal regulations require that the Project applicant avoid or minimize impacts to wetlands and waters and develop appropriate protection for wetlands. Wetlands that cannot be avoided must be compensated to result in “no net loss” of wetlands to ensure that the Project would maintain the current functions and values of on-site wetland habitats. Impacts to non-wetland waters of the U.S. and State within the Project boundary shall be mitigated for at a 2:1 ratio through the on-site creation of riparian scrub habitats and an ephemeral channel. The ephemeral channel shall be designed with a clear bed and bank such that an Ordinary High Water Mark (OHWM) shall establish itself over time.</p> <p>A Revegetation / Restoration Plan, also consistent with USACE guidelines for Habitat Mitigation and Monitoring Plans (HMMP), will be prepared consistent with Attachment B of the Land Development Code 2012 Biology Guidelines. Mitigation for the 0.063-acre impact to jurisdictional resources would occur onsite (see Figure 3-4), within the MHPA at a 2:1 ratio. The required mitigation would be fulfilled through the conversion of 0.2 acre of disturbed habitat along the canyon floor in the northern stretch of Ruffin Canyon into functioning native wetland habitat comprised of riparian scrub and non-vegetated channel.</p>	Pre-construction	Construction manager, general contractor, and San Diego River Conservancy, City of San Diego			

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Geology					
<p>Mitigation Measure MM-GEO-1: Prior to any earthwork activities and after preliminary construction schematics have been prepared, the San Diego Conservancy or the SDRC's designee shall retain a qualified engineering geologist or geotechnical engineer to evaluate the project's construction schematics and design. Depending on the professional recommendation of the qualified engineering geologist or geotechnical engineer, the geotechnical evaluation may require subsurface exploration and laboratory testing to formulate alignment-specific engineering recommendations to ensure the trail alignment does not experience slope failure or excess erosion. Incorporation of the geotechnical recommendations will ensure impacts related to geology and soils would be less than significant.</p>	<p>Pre-construction (Prior to any earthwork activities and after preliminary construction schematics have been prepared)</p>	<p>The San Diego River Conservancy or the SDRC's designee</p>			

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