



County of San Diego

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MITIGATED NEGATIVE DECLARATION

Project Name: Borrego Springs Library and Park Project

Project Number(s): 1018705

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for historical resources, hazardous materials, traffic, biology and Air Quality/Greenhouse Gases.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration), that there is no substantial evidence that the project as revised will have a significant effect on the environment.
 2. Required Mitigation Measures:

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

A. BIOLOGICAL RESOURCES: Implementation of the following mitigation measures would reduce potential biological impacts to less than significant levels:

BIO-1: A single-visit, pre-grading survey shall be completed no more than 30 days before initial grading activities to determine if the burrowing owl has colonized the on- and off-site project areas since the spring/summer 2015 burrowing owl survey. For purposes of the single-visit pre-grading survey, “grading” is defined as any disturbance to the land including brushing, clearing, grubbing, removing rubbish, and moving earth. The pre-grading survey shall cover the library/sheriff substation and park sites and the sewer line trench area adjacent to Sunset Road, plus a buffer of 300 feet. The results of the pre-grading survey must be immediately reported to the County Mitigation Monitoring Coordinator, the California Department of Fish and Wildlife (CDFW), and U.S. Fish and Wildlife Service (USFWS) prior to grading and must be provided in writing (as by e-mail). If the burrowing owl or recent sign of burrowing owl is not found, then no further mitigation shall be required. Recent is defined as within the previous three years (CDFW 2012). If the burrowing owl or recent sign of burrowing owl is found, then the following measures shall be implemented (County 2010b).

- If one or more burrowing owls is/are using burrows on or within 300 feet of the proposed grading, the County Mitigation Monitoring Coordinator shall be contacted. The County Mitigation Monitoring Coordinator will contact the USFWS and CDFW regarding evicting the owls and collapsing the burrows and will enlist the help of a County staff biologist to continue with the coordination with the wildlife agencies and a qualified burrowing owl biologist regarding burrowing owls. No grading shall occur within 300 feet of an active burrow.
- If an owl is using a burrow, and it is not the breeding season, the owl may be evicted (as described in section 4.5.4 of County 2010b) after a qualified burrowing owl biologist has ensured, by using a fiber optic camera or other appropriate device, that no eggs or young are in the burrow. Eviction requires written concurrence from the USFWS and CDFW prior to implementation.
- If a burrow is being used, and it is the breeding season, grading shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls may be evicted as described above.
- Grading closer than 300 feet may occur with concurrence from the USFWS, CDFW, and County Mitigation Monitoring Coordinator. This distance shall depend on the burrow’s location in relation to the site’s topography and other physical and biological characteristics.
- Burrowing owls shall not be injured or killed.

- BIO-2:** No species on the California Invasive Plant Council's "Invasive Plant Inventory" list shall be used in any erosion control plan.
- BIO-3:** Mitigation for impacts to 20.4 acres of Sonoran creosote bush scrub shall occur through the preservation of 20.4 acres of habitat located off site within an approximately 325-acre property owned by the County of San Diego in Borrego Springs.
- BIO-4:** No grubbing, clearing, or grading shall occur during the general avian breeding season for the Colorado Desert and breeding season for tree nesting and ground-nesting raptors in San Diego County (January 15-July [Table 8-3 in California Partners in Flight and PRBO Conservation Science 2009]; County 2010a), if feasible. All grading permits, improvement plans, and the final map shall state the same. If grubbing, clearing, or grading would occur during the general avian and raptor breeding season, a pre-construction survey shall be conducted by a qualified biologist 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 this area, clearing, grubbing, and grading shall be allowed to proceed. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests or area of nesting activity with an appropriate buffer for the species, and construction activities shall avoid the buffer for the species, and construction activities shall avoid the buffer until nesting behavior has ceased, nests have failed, or young have fledged, as determined by the qualified biologist.

B. GEOLOGY: Implementation of the following mitigation measures would reduce potential impacts to geology to less than significant levels:

- GEO-1:** Site-specific geotechnical investigations shall be completed for the proposed project, prior to final project design approval. These investigations will identify site-specific criteria related to considerations such as grading, excavation, fill, and structure/facility design. All applicable results and recommendations from the geotechnical investigations shall be incorporated into the project design documents to address identified potential geologic and soil hazards, including but not necessarily limited to: ground rupture; ground acceleration (ground shaking); soil liquefaction (and related issues such as dynamic settlement and lateral spreading); landslides/slope instability; geologic and soil instability (including compressible/collapsible soils, subsidence, and corrosive soils); and expansive soils. The final project design documents shall also encompass applicable standard design and construction practices from sources including the CBC, IBC, and County standards, as well as the results/recommendations of County plan review and on-the-ground geotechnical observations and testing to be conducted during project excavation, grading and construction activities; all related requirements would be

included in applicable engineering/design drawings and construction contract specifications.

C. HAZARDOUS MATERIALS: Implementation of the following mitigation measures would reduce potential impacts to hazardous materials to less than significant levels:

HAZ-1: A site-specific Phase I Environmental Site Assessment (ESA) or similar analysis as required by the County Department of Environmental Health shall be completed for the project, prior to final project design approval.

The Phase I ESA investigation shall be conducted for the project area to identify the potential occurrence of hazardous materials and Recognized Environmental Conditions (RECs, as defined in ASTM International E1527-05, Section 1.1.1), potentially involving the presence of contaminated soil or groundwater, and/or structures or facilities containing hazardous materials such as asbestos insulation, lead-based paint and polychlorinated biphenyls (PCBs). The Phase I investigation shall include: (1) appropriate regulatory database records review; (2) site reconnaissance; (3) review of appropriate maps, aerial photographs and other pertinent documents; (4) interviews with current/previous property owners, local government/industry officials, and other individuals with knowledge of the property and/or local environmental conditions; (5) documentation of known or potential RECs; and (6) identification of recommendations to address RECs or other concerns, if applicable (including Phase II ESA investigations, as outlined below).

Depending on the results of the described Phase I ESA, one or more Phase II ESA investigations shall be conducted if identified as part of the Phase I recommendations. Phase II ESAs consist of “intrusive” investigations, in which original samples of soil, groundwater and/or building materials are collected and submitted for laboratory analysis to identify applicable contaminants. Based on the results of this testing, the Phase II ESAs shall identify the type and extent of REC (or other) contamination, and provide appropriate remedial measures to address associated hazards. Typical remedial measures may include efforts such as removal and proper disposal of contaminated materials (or on-site treatment and reuse, if applicable), or in situ treatments such as oxidation (use of aerobic bacteria to accelerate natural attenuation of organic contaminants) or bioremediation (e.g., using bacteria to remove contaminants from groundwater).

All ESAs conducted for the proposed project shall be prepared in conformance with applicable regulatory and industry standards, including ASTM International E1527-05 Standard Practice for Environmental Site Assessments, and Code of Federal Regulations (CFR) Part 312, Standards and Practices for All Appropriate Inquiries. Applicable results and recommendations from the project Phase I and, if appropriate, Phase II investigations shall be incorporated into the associated

individual final project design documents to address identified potential hazardous material concerns.

D. HYDROLOGY: Implementation of the following mitigation measures would reduce potential impacts to hazardous materials to less than significant levels:

- HYD-1:** In accordance with the BWD's Demand Offset Mitigation Water Credits Policy (June 26, 2013), the project shall provide one Water Credit for every one Equivalent Dwelling Unit (EDU) demand of the proposed use as calculated by the BWD's General Manager. Each Water Credit shall be equal to one acre-foot of water per year. Conformance with BWD's Mitigation Policy must be demonstrated prior to the BWD providing water service and/or a water meter to the project.
- HYD-2:** The project must conform to the County's requirements for drainage design presented in the *San Diego County Drainage Design Manual* (July 2005), and any requirements imposed by the County for mitigating potential increased delivery of storm water runoff to Country Club Road, Sunset Road, and/or the existing wash south of the project site. Potential sediment-laden runoff from westerly off-site area shall be diverted around any on-site structural mitigation measures proposed for mitigation of increased runoff (for example, the water catchment plots shown on the Borrego Springs Park Preliminary Concept, or if pervious paving or infiltration features are proposed to mitigate increased runoff generated from new impervious surfaces, storm water from off-site shall not be conveyed across or through the features) because it could clog the features.
- HYD-3:** The project shall comply with the *Floodplain Management Plan (FMP) for County of San Diego, California*, adopted August 2007, which includes measures such as elevating the lowest floor above the highest adjacent grade to a specified level; placing mechanical and utility equipment above the depth of flooding; providing adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures; and not deflecting flood flow onto adjacent properties. The project shall also comply with the *San Diego County Code of Regulatory Ordinances Division 11: Flood Damage Prevention*, which also has regulations on construction within an alluvial fan. The requirements in the Flood Damage Prevention Ordinance include elevating the lowest floor; flood-proofing the building below the base flood elevation; not causing a major disruption to the natural alluvial fan process; protecting foundations from erosion; and other requirements.

2. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study.

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

Traffic Control

During project construction (especially of the proposed sewer pipeline), access along Country Club Road, Sunset Road and/or Church Lane may be temporarily disrupted; however, a Traffic Management Plan (TMP) would be funded and/or implemented by the private donor of the library/sheriff substation site, in accordance with the project MMRP. Roadways would remain open to traffic.

Site Access

To avoid the potential for impacts related to sight distances and site access, a sight distance study would be done before final design of the library/sheriff substation and park, and site access points would be designed accordingly.

Air Quality

Project design and implementation would meet all regulatory requirements regarding airborne dust beyond the property line, track-out/carry-out, area source reductions, energy efficiencies, and solid waste reduction, as detailed in the project Air Quality Analysis Report (HELIX 2015a).

The following Best Management Practices (BMPs) would be implemented during construction to reduce impacts associated with air quality:

- The County would require the contractor(s) to implement paving, chip sealing or chemical stabilization of internal roadways after completion of grading.
- Dirt storage piles would be stabilized by chemical binders, tarps, fencing or other erosion control.
- A 15-mile per hour (mph) speed limit would be enforced on unpaved surfaces.
- On dry days, dirt and debris spilled onto paved surfaces would be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites would be cleaned daily of construction-related dirt in dry weather.
- Haul trucks hauling dirt, sand, soil, or other loose materials would be covered or two feet of freeboard would be maintained.
- Disturbed areas would be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or San Diego Air Pollution Control District (SDAPCD) to reduce dust generation.

- Grading would be terminated if winds exceed 25 mph.

Hazardous Materials

The following project design features would minimize impacts related to hazardous materials:

- Standard BMPs would be implemented to prevent impacts to the public through the transport, use, or disposal of hazardous materials. Standard industry measures include, but are not limited to:
 - Hazardous materials used or stored on site would be restricted to areas at least 50 feet from storm drains and watercourses.
 - All hazardous materials would be covered or kept in enclosed facilities.
 - A written inventory would be kept of all hazardous materials used or stored on site.
 - In order to prevent discharge in the event of a spill, berms, ditches, and/or impervious liners (or other applicable methods) would be provided in material storage and vehicle/equipment storage areas to provide a containment volume of 1.5 times the volume of the stored/used materials.
 - Agency telephone numbers and a summary guide of clean-up procedures would be posted in a conspicuous location at or near the job site trailer during construction.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and the above California Environmental Quality Act findings made by the County Board of Supervisors on January 26, 2016.


April F. Heinze, Director