
Findings of Fact

1 Overall Findings

This statement of Findings of Fact and Statement of Overriding Considerations (Findings) addresses the environmental effects associated with the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (or Project). These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code (PRC) and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. (CCR) 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in the Final Environmental Impact Report (EIR), as well as additional facts found in the complete record of proceedings.

CEQA (PRC Section 21081) and the CEQA Guidelines (14 CCR Section 15091) require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California Department of Parks and Recreation (CDPR) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines.

Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

The Final EIR for the proposed Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project identified potentially significant effects that could result from Project implementation. However, CDPR finds that the inclusion of certain mitigation measures as part of the Project approval would reduce all of those effects to less than significant levels.

In accordance with CEQA and the CEQA Guidelines, CDPR adopts these Findings as part of its certification of the Final EIR for the proposed quarry restoration project. Pursuant to PRC Section 21082.1(c)(3), the CDPR also finds that the Final EIR reflects their independent judgment as the lead agency for the Project. As required by CEQA, the California Department of Parks and Recreation, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed quarry restoration project. The California Department of Parks and Recreation finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

A. Effects Found Not to Be Significant

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR) briefly describe potential environmental effects that were determined not to be significant and therefore were not discussed in detail in the EIR. The environmental issues discussed in the following sections are not considered significant:

1. Aesthetics
2. Agricultural and Forestry Resources
3. Energy
4. Greenhouse Gas Emissions
5. Hazards and Hazardous Materials
6. Hydrology and Water Quality
7. Land Use and Planning
8. Mineral Resources
9. Noise
10. Population and Housing
11. Public Services
12. Recreation
13. Transportation
14. Utilities and Service Systems

B. Potentially Significant Impacts That Can Be Minimized Through Mitigation

For the following topics with significant impacts identified in the Final Environmental Impact Report (Final EIR), changes or alterations have been required in, or incorporated into, the conditions for approval that mitigate or avoid each significant impact.

1. Air Quality
2. Biological Resources
3. Archeological, Historic, and Tribal Cultural Resources
4. Geology and Soils (including Paleontological Resources)
5. Wildfire

C. Significant Irreversible Environmental Impacts

California Public Resources Code, Section 21100(b)(2), requires that EIRs must include a discussion of significant irreversible environmental changes of project implementation. CEQA Guidelines Section 15126.2(c) describes irreversible environmental changes as: uses of nonrenewable resources during the initial and continued phases of development may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts, such as highway improvement that provides access to a previously inaccessible area, generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Adoption and implementation of the Project is expected to result in irreversible environmental effects consisting of the following:

The energy consumed in the construction of restoration projects and associated infrastructure may be considered a permanent investment of resources. Implementation of the Project would be a relatively minor consumption of these supplies when compared to a regional context. However, use of these resources would represent an incremental effect on the regional consumption of these commodities. Implementation of the Project would involve an incremental increase in consumption of energy resources, derived in part from nonrenewable resources, such as fossil fuels.

2 Explanation of Findings

Specific written findings have been made regarding each significant impact associated with the proposed project. These findings are presented below, along with a presentation of facts in support of the findings. These findings are based on the discussion of impacts in the detailed issue area analyses in the Final EIR, as well as relevant technical reports and responses to comments in the Final EIR. CDPR adopts and incorporates by reference the responses to comments as part of these findings. CDPR certifies that these findings are based on full appraisal of all viewpoints.

Pursuant to California Public Resources Code 21081 and section 15091(a) (1) of the State CEQA Guidelines, CDPR finds that, for each of the following significant impacts as identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the proposed project that avoid or substantially lessen each of the significant environmental impacts as identified in the Final EIR. The remaining impacts, if any, are less than significant. The significant impacts and mitigation measures are stated fully in the Final EIR. The following are brief descriptions of the impacts and mitigation measures set forth in the Final EIR and an explanation of the rationale for this finding for each impact.

1. Air Quality

Impact

The project may have a potentially significant impact on sensitive receptors due to substantial toxic air contaminants (TAC) pollutant concentrations. TAC exposure from construction diesel exhaust emissions and fugitive

dust TACs would result in cancer risk on site above the 1 in 1 million threshold without application of toxics best available control technology (T-BACT).

Mitigation Measures

- MM-AQ-1 Prior to the lead and/or responsible agency's approval of any construction-related permits, the California Department of Parks and Recreation (and/or designee or Responsible Agency) shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize diesel particulate matter emissions:
- a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines for engines 75 horsepower or greater. The City of San Diego and/or County of San Diego shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
 - b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
 - c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer specifications.
 - d. When construction equipment units that are less than 50 horsepower would be employed, that equipment shall be electrical or natural-gas-powered, where available.
 - e. A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction periods, schedule vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities, and increase construction employee carpooling.

Rationale

With implementation of MM-AQ-1, the Project shall use Tier 4 Final off-road equipment. Therefore, as this mitigation measure is included in the project's development, the cancer risk, index level of chronic non-cancer health and acute non-cancer health, and lead exposure would all be below the CEQA threshold of significance. The results of the HRA for Project construction including the use of Tier 4 Final construction equipment would be considered T-BACT, and the County's significance threshold would be 10 in 1 million, instead of the 1.0 in 1 million without implementation of T-BACT.

The results of the health risk assessment (HRA) demonstrate that the TAC exposure from construction diesel exhaust emissions and fugitive dust sources would result in cancer risk on site below the 10 in 1 million threshold with application of T-BACT, chronic and acute non-cancer health hazard indices of less than 1.0, and lead exposure less than 0.12 micrograms per cubic meter. With implementation of MM-AQ-1, impacts associated with emissions of TACs from construction-related exhaust would be reduced to a less-than-significant level.

2. Biological Resources

Impact

The project may have a potentially significant impact on vegetation communities through habitat modification. The potential direct mortality of special-status species, including some reptiles and small mammals, would be potentially significant in the short term. The proposed project also has the potentially significant impact of disturbing the nesting place of one pair of nesting California gnatcatchers. The Quino checkerspot butterfly would face potentially significant impacts if they were present on the Project site during grading and construction. Birds protected under the MBTA Fish and Game Code 3503 and 3503.5 could be significantly impacted if any active nests or young of nesting species were taken. The noise levels of construction and operational use would be potentially significant during the nesting season. The special-status vegetation found in Tier II upland habitats would face potentially significant impacts.

Mitigation Measures

MM-BIO-1 Restoration of Vegetation. Temporary impacts to Diegan coastal sage scrub shall require restoration. Restoration shall be provided at a minimum 1.5:1 ratio (restoration acreage: impact acreage). Due to the extended period of sediment placement on site, restoration will be phased to correspond to construction phases. The Restoration Plan shall include the responsible parties, revegetation implementation plan, 5-year maintenance plan, monitoring plan, contingency measures, and notification of completion of the restoration.

To avoid impacts to high-quality host plants for Quino checkerspot butterfly, the Restoration Plan requires a biologist to survey the mesa for Quino checkerspot butterfly host plants prior to the pre-restoration phase activities. All host plant populations shall be flagged and a 20-foot buffer established around the host plant populations. Restoration activities within this avoidance area shall be restricted to hand weeding and/or herbicide application only. No mechanical work shall be done in this avoidance area. Highly compacted soils that are not suitable for Quino checkerspot larvae within the 20-foot buffer can be excluded from the avoidance area as determined by the Project biologist.

MM-BIO-2 Special-Status Species Take Avoidance Surveys. Prior to initiation of each phase of site clearing, the applicant shall develop a relocation and exclusion plan for special-status terrestrial reptiles, Dulzura pocket mouse, northwestern San Diego pocket mouse, and San Diego desert woodrat with the potential to occur on site. The relocation and exclusion plan shall be submitted to the California Department of Parks and Recreation (and/or designee or Responsible Agency) for review and approval prior to initiation of site clearing for each phase of the Project. The plan shall at minimum include the timing and locations where surveys should be conducted; the habitat and conditions in the proposed relocation site(s), the methods that would be used for trapping and relocating the individual species, the method for documentation/recordation of the species and number of animals relocated, and the method of exclusion so that species cannot re-enter active construction areas. In addition, the choice of a proposed relocation site should consist of a large patch of quality habitat appropriate to the species, which would be more likely to have the carrying capacity to accommodate one or more relocated individuals of a particular species.

Pre-Construction Surveys. No more than 7 days prior to each phase of site clearing, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife. The biologist shall survey for special-status species that may be located within or immediately adjacent to the Project work areas, as permitted by access. If determined by the qualified biologist that based on the construction activities, time of year, and location of the special-status wildlife species relocation is necessary, relocation will occur to nearby undisturbed areas within suitable habitat in the open space preserve as specified in the plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved plan). The biologist relocating the species shall possess a California SCP to handle these species if required by applicable California Department of Fish and Wildlife regulations.

Monitoring. A qualified biologist shall be present during each phase of initial ground-disturbing activities (i.e., vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation and topsoil removal. If special-status species reptiles or small mammals are detected in the work area during biological monitoring, the individual(s) will be documented and relocated as per the approved plan and in accordance with the SCP conditions as applicable. Periodic monitoring shall also be conducted by a qualified biologist following initial ground-disturbing activities, to ensure that exclusion fencing remains in place to minimize the potential for special-status species to re-enter active construction area.

MM-BIO-3 Coastal California Gnatcatcher Avoidance and Surveys: No clearing, grubbing, grading, or other ground-disturbing activities shall occur during the coastal California gnatcatcher breeding season (March 1 through August 15) on Multi-Habitat Planning Area (MHPA) lands until the following requirements have been met to the satisfaction of the California Department of Parks and Recreation (CDPR) (and/or designee or Responsible Agency):

A qualified biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 A-weighted decibels (dBA) hourly average for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction.

1. If coastal California gnatcatchers are present, then the following conditions must be met:
 - a. March 1 through August 15 on MHPA lands, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - b. March 1 through August 15 on MHPA lands, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by CDPR (and/or designee or Responsible Agency) at least 2 weeks prior to the commencement of

- construction activities. Prior to the commencement of construction activities during the nesting season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
- c. At least 2 weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dBA hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the nesting season (August 16). Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and CDPR (and/or designee or Responsible Agency), as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
 2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to CDPR (and/or designee or Responsible Agency) and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 1 through August 15 on MHPA lands as follows:
 - a. If this evidence indicates that the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

MM-BIO-4 Quino Checkerspot Butterfly Take Authorization. The California Department of Parks and Recreation (CDPR) (and/or designee or Responsible Agency) shall consult with the U.S. Fish and Wildlife Service (USFWS) to determine if take authorization is required for impacts to Quino checkerspot. If such take authorization is required, CDPR (and/or designee or Responsible Agency) shall demonstrate to the satisfaction of the City of San Diego that it has secured any necessary take authorization prior to the issuance of the first grading permit that impacts suitable Quino checkerspot butterfly habitat. Take authorization may be obtained through the Section 7 Consultation or Section 10 Incidental Take Permit requirements. The Project applicant will comply with any and all conditions, including preconstruction surveys that USFWS may require for take of Quino checkerspot butterfly pursuant to the Endangered Species Act. If required as a permit condition, a preconstruction survey will be conducted in accordance with USFWS protocols unless USFWS authorizes a deviation from those protocols.

MM-BIO-5 Nesting Bird Surveys. To avoid direct impacts to nesting birds (exclusive of coastal California gnatcatcher; see MM-BIO-3), removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the nesting season for these species (January 15 to September 15). If removal of habitat in the proposed area of disturbance must occur during the nesting season, the qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to removal of vegetation. The California Department of Parks and Recreation (CDPR) (and/or designee or Responsible Agency) shall submit the results of the pre-construction survey to the City and/or County of San Diego for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City of San Diego's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of nesting activities is avoided. The report or mitigation plan shall be submitted to the City and/or County of San Diego for review and approval and implemented to the satisfaction of the City and/or County of San Diego. A CDPR (and/or designee or Responsible Agency) Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If more than 14 days lapse between clearing, grubbing, grading, or other ground-disturbing activities, nesting bird surveys should be reinitiated prior to commencing activities and follow the methods described above.

Rationale

With implementation of MM-BIO-1, temporary impacts to 11.69 acres of Tier II coastal sage scrub would be reduced to a less-than-significant level. MM-BIO-1 provides for the restoration of impacted coastal sage scrub habitat at a minimum 1.5:1 ratio, in accordance with the Project Restoration Plan. With implementation of MM-BIO-2, direct impacts to special-status wildlife through the loss of habitat and potential mortality of individual species (particularly special-status reptiles and small mammals that may not be able to escape impacts during construction) would be reduced to a less-than-significant level. MM-BIO-2 provides for pre-construction surveys and monitoring of each phase of initial ground-disturbing activities (i.e., vegetation removal). If special-status species reptiles or small mammals are detected in the work area during biological monitoring, the individual(s) would be documented and relocated as per the approved plan and in accordance with the scientific collecting permit conditions as applicable.

With implementation of MM-BIO-3, impacts to California coastal gnatcatcher would be reduced to a less-than-significant level through avoiding clearing of occupied habitat between March 1 and August 15 and limiting activities within areas outside the disturbance footprint but where noise levels may exceed 60 dBA hourly average. This is in compliance with the Conditions of Coverage outlined in the MSCP Subarea Plan (City of San Diego 1997). These conditions include measures to reduce edge effects and minimize disturbance during the nesting period, fire protection measures to reduce the potential for habitat degradation due to unplanned fire, management measures to maintain or improve habitat quality including vegetation structure, and the rule that no clearing of occupied habitat within the MHPA may occur between March 1 and August 15. Regarding fire protection, MM-AQ-1 would be implemented during construction and would prohibit the idling of vehicles on the Reclamation Area when not in use. Further, the Project would be subject to standard San Diego Fire Department protocol such as limiting or ceasing construction work during high-wind weather events and would implement MM-WF-1, which includes the incorporation of pre-construction requirements including proper clearing of flammable vegetation around the sediment processing plant staging area. With implementation of MM-BIO-1 and MM-BIO-4, impacts to Quino checkerspot butterfly would be reduced to a less-than-significant level. Restoration of the existing mesa top is

expected to be conducted in a manner that minimizes potential impacts to diapause larvae by requiring host plant mapping prior to pre-restoration activities and avoidance of host plants and associated buffers (see MM-BIO-1). Quino checkerspot butterfly impacts would also be reduced through MM-BIO-4, which requires consultation with USFWS to determine if take authorization is required. Implementation of MM-BIO-5, which requires nesting bird surveys and avoidance measures for active nests, would reduce impacts to nesting birds utilizing vegetation on the Project site to less than significant.

3. Archaeological, Historic, and Tribal Cultural Resources

Impact

The project may have a potentially significant impact on previously unknown significant cultural deposits underlying the area. Project work will include significant ground disturbance within newly recorded portions of the project area. Erosion may act to expose previously unrecorded resources prior to Project work. Due to limited visibility and high potential for the presence of cultural resources based on the distribution of known cultural resources in the surrounding area, there is potential for the presence of currently unknown and unrecorded cultural resources on the Project site. As such, future site preparation and grading activities have the potential to disturb unknown and unrecorded archaeological resources. The ground-disturbing activities of the Project have the potential to impact previously unknown human remains or tribal cultural resources that may underlie the project's APE.

Mitigation Measures

MM-ARCH-1 An archaeological survey of the direct Project area of potential effects shall be conducted to update the recordation of current site conditions prior to the start of any future ground-exposing or ground-disturbing activities. A Kumeyaay Native American monitor shall be present for this survey. Survey may include use of forensic dog to assist with detection of human remains.

MM-ARCH-2 An archaeological and Kumeyaay Native American monitor shall be present on site for any Project-related future ground-exposing and/or ground-disturbing activities (e.g., brushing/grubbing of vegetation or grading of road surfaces), as determined by the Cultural Mitigation Monitoring and Treatment section of the Operations and Maintenance Plan. Should any potentially significant archaeological resources and/or tribal cultural resource be discovered on site, avoidance is the preferred treatment method. If avoidance is not feasible, a formal evaluation for listing on the California Register of Historical Resources should be conducted. If an archaeological resource or tribal cultural resource is determined to be significant, appropriate treatment/mitigation measures developed in consultation with the California Office of Historic Preservation and in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties must be implemented prior to any construction activities that have potential to cause significant impacts to the site.

MM-ARCH-3 Pursuant to Section 7050.5 of the California Health and Safety Code, if human remains are discovered during Project operations, no further work shall occur in the immediate vicinity of the discovered remains until the County Medical Examiner has made the necessary findings as to the origin of the remains. If the remains are determined to be Native American in origin, the County Medical Examiner shall contact the Native American Heritage Commission within

24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the Most Likely Descendant/s (MLD) of the deceased. As provided in California Public Resources Code, Section 5097.98, the MLD may make recommendation for treatment or disposition with appropriate dignity of the human remains and any associated grave goods. The remains shall be left in place and free from disturbance until recommendations for treatment have been made. Every effort shall be made to accommodate the MLD's recommendations.

MM-ARCH-4 Prior to project implementation, an Operations and Maintenance Plan shall be completed and shall include a Cultural Mitigation Monitoring and Treatment section (section) that addresses the future sediment management process (e.g., sorting, placement, landform construction) and Native American monitoring program. Development of the section shall be done in continued collaboration with representatives from local Kumeyaay bands as determined by the Kumeyaay Diegueño Land Conservancy. The Kumeyaay Cultural Repatriation Committee shall be identified in the section as the authority on matters related to the treatment of human remains in accordance with state law as described in MM-ARCH-3. This Operations and Maintenance Plan will be adopted with the future issuance of required project regulatory permits (e.g., Coastal Development Permit).

Rationale

Implementation of MM-ARCH-1 would reduce Impact ARCH-1 to a level below significance by recording and assessing any previously unknown resources that may be exposed by erosion on the ground surface within the Project area prior to construction. MM-ARCH-2 would reduce Impact ARCH-1 and Impact ARCH-2 to less-than-significant levels by requiring the presence of qualified archaeological and Kumeyaay Native American monitors during ground-exposing or ground-disturbing activities outside of the previously mined footprint, in order to identify any previously unknown subsurface archaeological and tribal cultural resources and/or human remains. Additionally, MM-ARCH-2 establishes procedures for handling an accidental discovery of archaeological resources during ground-disturbing activities, should they be encountered, to ensure avoidance of significant impacts to any significant resources. MM-ARCH-3 details appropriate procedures to be followed if any human remains are found in the Project APE, reducing potential impact ARCH-2 to a level less than significant. MM-ARCH-4 establishes procedures for monitoring sediment sorting on site, further reducing potential Impact ARCH-2 to less than significant.

Implementation of MM-ARCH-2 would also reduce archaeological and tribal cultural resource impacts to less-than-significant levels by requiring archaeological and Kumeyaay Native American monitors to be present during ground-exposing or ground-disturbing activities as determined by the Cultural Mitigation Monitoring and Treatment section of the Operations and Maintenance Plan. MM-ARCH-4 establishes procedures for monitoring sediment sorting at the Nelson Sloan Quarry site, further reducing potential Impact TCR-1 to less than significant.

4. Geology and Soils

Impact

The project may result in a potentially significant impact since proposed ground disturbance, including back-cuts to develop benches for the initial placement of fill (sediment would ultimately be modified to achieve a naturalistic slope look), would include (1) over 1,000 cubic yards of excavation into geologic units with high resource potential for paleontological resources; and (2) over 2,000 cubic yards of excavation into geologic units with moderate resource potential for paleontological resources.

Mitigation Measures

MM-PAL-1 Prior to Permit Issuance.

Prior to issuance of any construction permits, including, but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, California Department of Parks and Recreation and/or other Agency or Operator (Permittee) shall implement the City of San Diego’s Paleontological Monitoring Program as described in Chapter 14, Article 2, Division 1 of the City of San Diego Municipal Code (Section 142.0151) Paleontological Resources Requirements for Grading Activities and the Land Development Manual - Appendix P – General Grading Guidelines For Paleontological Resources.

The need for Paleontological monitoring shall be based on the results of a site-specific paleontological records search as well as information regarding existing known soil conditions (native or formation) a field survey for paleontological resources shall be conducted by a qualified paleontologist. If unique paleontologist resources are not discovered during the field survey, then excavation and/or construction activities can commence. If unique paleontological resources are discovered during excavation and/or construction activities, construction shall stop within 25 feet of the find, and the qualified paleontologist shall be consulted to determine whether the resource requires further study. The paleontologist shall make recommendations to the City of San Diego to protect the discovered resources and determine the appropriate methodology for the salvage and recovery of fossil resources before construction activities can continue in the area. Any paleontological resources recovered shall be provided to the South Central Coastal Information Center and permanently curated with an appropriate institution, such as, but not limited to the San Diego Natural History Museum, in accordance with industry standards, or repository willing and able to accept and house the resource to preserve for future scientific study and a final monitoring report prepared and provided to the City of San Diego for review.

Rationale

With implementation of Mitigation Measure (MM) PAL-1, which consists of the City of San Diego’s Paleontological Monitoring Program, potentially significant impacts to paleontological resources would be reduced to a less-than-significant level.

5. Wildfire

Impact

The Project may have a potentially significant impact due to the potential for sparks from equipment and/or vehicles on the Project site, the additional new vegetation serving as a fuel source, and the addition of a temporary power line that could introduce new potential sources for ignition.

Mitigation Measures

MM-WF-1 Pre-Construction Requirements. Vegetation management shall be conducted prior to the start of construction and throughout all phases of the Project. Adequate firebreaks consisting of

vegetation removal or thinning of dead and dry vegetation at least 50 feet wide or as required by local fire agencies shall be created around all grading, staging areas, and other construction activities in areas where there is flammable, non-irrigated vegetation (special-status species and irrigated native species planted as part of the Project would be exempt). The area around the sediment processing plant staging area shall be cleared and kept clear of all flammable vegetation, invasive plant species, debris, or other potentially flammable materials, in accordance with the City of San Diego Municipal Code Section 142.0412, Brush Management, and approved by the City of San Diego Fire-Rescue Department and County of San Diego.

The Project shall comply with the following risk reducing vegetation management guidelines:

- Temporary construction power lines may be allowed in areas that have been cleared of combustible vegetation. Width of clearance along the temporary construction power line alignment shall be consistent with local fire agency and California Public Utilities Commission General Order 95.
- Caution must be used to avoid causing erosion or ground (including slope) instability or water runoff due to vegetation removal, vegetation management, maintenance, landscaping, or irrigation.

MM-WF-2

Fire Management and Prevention Plan. Prior to the start of Project work, the California Department of Parks and Recreation (and/or designee or Responsible Agency) shall prepare and implement a Fire Management and Prevention Plan to ensure the safety of workers and the public during site preparation, operation and maintenance, and future monitoring activities for the Project. The applicant shall submit the Fire Management and Prevention Plan to the City of San Diego Fire-Rescue Department (SDFD) and County of San Diego for review and approval prior to the commencement of Project activities. The Fire Management and Prevention Plan shall include fire prevention, training, and reporting procedures including, but not limited to:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions
- All personnel visiting the Project site shall receive training on fire prevention procedures, the proper use of fire suppression equipment, and procedures to be followed in the event of a fire. Fire prevention and suppression training shall be included in the Project's Worker Environmental Awareness Program (WEAP) and discussed during morning tailboard meetings prior to the start of work
- Designation of on-site personnel to serve as fire watch during all hot work or other spark-generating activities
- Designation of an emergency services coordinator from among the full-time on-site personnel who shall perform routine patrols of the site during the fire season equipped with a portable fire extinguisher and communications equipment
- Fire containment and extinguishing equipment shall be kept on site and readily accessible during Project activities. The location and proper use of fire containment and extinguishing equipment shall be included in the WEAP

- All internal combustion engines used at the Project site shall be equipped with spark arrestors and spark arrestors shall be in good working order
- Curtailment of Project activities in the event of a fire or when fuel and weather conditions result in Red Flag Warnings and High to Extreme Fire Danger days, as determined by the National Weather Service and SDFD, with specific Project-related activities to be allowed during very high or extreme weather conditions at the discretion of SDFD. The Project would be subject to additional requirements/restrictions, as required by SDFD
- Equipment staging and parking areas shall be cleared of all flammable materials
- Emergency response and evacuation measures that would be required to be followed during emergency situations
- Smoking shall be prohibited in all vegetated areas and within 50 feet of combustible materials storage and shall be limited to paved areas or areas cleared of all vegetation
- Fires ignited on site shall be immediately reported to SDFD
- Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees

Rationale

As outlined in MM-WF-1, vegetation management requirements would be implemented at the start of and throughout all phases of construction and O&M, including clearance of flammable vegetation around all work and staging areas and the area around the sediment processing plant. Additionally, as detailed in MM-WF-2, a Fire Management and Prevention Plan outlining fire prevention procedures and training for on-site personnel would help to reduce the risk of fires. Gasoline-powered or diesel-powered machinery used during maintenance and repair activities would be equipped with standard exhaust controls and muffling devices that would also act as spark arrestors. Fire containment and extinguishing equipment would be located on site and would be accessible during Project activities. In addition, construction personnel would be trained to use fire suppression equipment and, in accordance with MM-AQ-1, would not be permitted to idle vehicles on the Project site when not in use.

Construction personnel would also be notified of work restrictions during red flag warnings or high to extreme fire danger days to reduce the chance of creating a spark that could result in a wildfire. Further, the Project would be subject to additional requirements, as required by SDFD, such as limiting or ceasing construction work during high-wind weather events. The Project would be required to comply with City, state, and SDFD requirements for construction activities in hazardous fire areas, including fire safety practices, to reduce the possibility of fires during construction activities. Additionally, the vegetation management activities outlined in MM-WF-1 would reduce the risk of wildfire ignition and spread on the Project site and to off-site fuel beds. With implementation of MM-AQ-1, MM-WF-1, and approval of Project plans by SDFD, construction and O&M activities are not anticipated to exacerbate wildfire risk such that Project workers would be exposed to the uncontrolled spread of a wildfire or pollutant concentrations from a wildfire. Therefore, impacts would be less than significant with mitigation incorporated.

Regarding Impact 3, fire prevention measures and best practices (MM-AQ-1, MM-WF-1 and MM-WF-2) that would be implemented throughout the Project would help to reduce the likelihood for sparks or ignition of plant material. Additionally, the plant palette selected for the site would consist of native species and would be approved by the City, County, Wildlife Agencies, and SDFD prior to implementation. Further, the coastal sage scrub plant community is native to Southern California and most of the species are adapted to the region's fire environment (Conlisk et al. 2016). Temporary irrigation would be installed to ensure newly planted vegetation would retain moisture and

establish successfully, precluding the likelihood for highly flammable invasive species to establish. Additionally, the site would be monitored to help establish the native plant habitats.

Monitoring of the site would occur over a 5-year period for each restoration phase that includes permanent vegetation. Maintenance activities would be conducted including weed control, irrigation regime, soil amending, drainage alterations, and/or reseeding any underperforming areas. Such activities would ensure the success of the restored native landscape, and highly flammable, non-native weed species, including but not limited to mustard, non-native annual grasses, thistles, filaree, Italian ryegrasses, clover, pampas grass, tree tobacco, castor bean and cheeseweed, would be controlled before seed-set (other species that appear may be added to this list if deemed necessary by the Project biologist). Proposed conditions would be similar to the surrounding natural landscape, which consists of fire-adapted species, and ongoing monitoring and maintenance of the site would control non-native species. As a result, with implementation of fire prevention measures (MM-AQ-1, MM-WF-1, and MM-WF-2) during Project construction, O&M, and monitoring, proposed revegetation of the Project site would not exacerbate wildfire risk, and impacts would be less than significant with mitigation incorporated.

Therefore, with implementation with MM-WF-1, MM-WF-2, and MM-AQ-1, compliance with state and local best practices for fire prevention, and with approval of the restoration plan by reviewing agencies, anticipated exacerbation of wildfire risk during site preparation and O&M of the Project (i.e., Impact 2) would be less than significant.

3 Findings Regarding Alternatives

Section 15126.6(a) of the CEQA Guidelines requires an EIR describe “a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The Final EIR identified and considered the following reasonable range of feasible alternatives to the Project that would be capable, to varying degrees, of reducing identified impacts and meeting the basic objectives of the Project:

- Alternative 1: No Project Alternative / No Development Alternative
- Alternative 2: Basic Reclamation (6,500 Cubic Yards) Alternative
- Alternative 3: Reduced Capacity (500,000 Cubic Yards) Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the Project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the Project as described in the Final EIR.

3.1 Alternative 1: No Project Alternative / No Development Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate the specific alternative of “no project” along with its impact. As stated in this section of the CEQA Guidelines, the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the proposed project. As specified in Section 15126.6(e)(3)(B) of the CEQA Guidelines, the No Project Alternative for a project consists of the circumstance under which a proposed project does not proceed.

Accordingly, Alternative 1 assumes that existing sediment management activities by in-valley land managers would continue to occur as under current conditions and land managers would continue to haul excavated sediments to construction sites, beach replenishment sites (if sediments were found to be appropriate based on testing), or regional landfills. No sediment would be brought to the Project site. Under this alternative, no new activities would occur on the Project site.

The No Project/No Development Alternative would avoid all the significant and less-than-significant air quality impacts associated with the proposed Project. Compared to the Project, this alternative would result in less on-site air quality emissions because no sediment processing, placement, and compaction activities would occur. Temporary and permanent impacts to biological resources, including coastal sage scrub and sensitive wildlife species, would not occur under the No Project/No Development Alternative because there would be no change to existing site conditions. However, scant vegetation conditions on the Project site would persist and the site would continue to function as degraded habitat for wildlife species. In addition, the No Project/No Development Alternative poses significant threats to biological resources throughout the Tijuana River Valley by reducing land managers' abilities to manage sediment in a cost-effective and sustainable manner and protect downstream sensitive habitat. As no new activities, including excavation, grading, and other ground disturbance, would occur on the Project site, the No Project/No Development would avoid all potential impacts to archaeological, historic, and tribal cultural resources. The No Project/No Development would avoid all potential Project impacts to geology and soils, however, as the existing oversteepened east-facing slope on the Project site would not be addressed/reclaimed, the slope would continue to be subject to wind or water erosion and potential downstream water quality effects. In addition to on-site activities, truck traffic between the Project site and sediment source locations would not occur under the No Project/No Development Alternative. As no construction equipment associated with Project activities would operate on site, the potential wildfire impacts associated with the Project would not occur.

Under the No Project/No Development Alternative, none of the Project objectives would be met. Under this alternative, the oversteepened east-facing slope on the Project site would become further eroded overtime because it would not be reclaimed and the MINE ID No. would remain active, thus prolonging yearly documentation and related expenses of on-site conditions in accordance with the provisions of Surface Mining and Reclamation Act. Also, the historical topography (i.e., pre-mining activities topography) and vegetative cover of the Project site would not be restored, and the site would continue to display the effects of mining operations that ceased nearly 20 years ago. Further, existing annual haul truck traffic from the Tijuana River Valley to regional landfills would persist as an in-valley placement location would not be available. Effective habitat protection, conservation, and restoration opportunities in areas impacted by sedimentation and flooding in the Tijuana River Valley would be significantly compromised and biological resources throughout the Tijuana River Valley would be threatened. Furthermore, opportunities to improve water quality and reduce public health and safety hazards would be compromised if the No Project/No Development Alternative was implemented.

3.2 Alternative 2: Basic Reclamation (6,500 Cubic Yards)

This alternative is based on the anticipated minimum volume of sediment necessary to fulfill the requirements of the Reclamation Plan for the previous Nelson Sloan Quarry Project. This alternative, which generally consists of Phase 1 of the Project's grading plan, would (subject to DMR concurrence and installation of vegetation for erosion control purposes) release the existing Mine ID No. 91-37-0037 associated with the previous quarry operation and fulfill all reporting requirements in compliance with SMARA. The duration of sediment placement activities on the Project site would be less than one season of in-valley sediment management. Further, based on the minimal

sediment needs to reclaim the eroded, oversteepened slope centrally located on the Project site, participation from multiple land managers would not be necessary to achieve the sediment placement goal.

Under this alternative, sediment processing and placement activities could be completed in under 1 year. Thus, the up to 10-year duration of Project activities would not occur and on-site air quality emissions associated with sediment processing, placement, grading, and other activities would be reduced compared to the Project. In addition to reduced air quality emissions and health effects, the reduced duration of on-site activities would result in reduced potential for exposure of sensitive receptors to toxic air contaminants (TACs). However, similar to the Project and construction measures that would be implemented by MM-AQ-1, construction of the Basic Reclamation (6,500 CY) Alternative may result in the implementation of measures targeted towards reduced emissions of TACs from construction-related exhaust as a best practice. In absence of a longer-term solution for sediment placement, land managers would continue to haul excavated sediments to construction sites, beach replenishment sites (if sediments were found to be appropriate based on testing), or regional landfills. Thus, emissions associated with seasonal haul truck traffic across the County would be greater under this alternative compared to the Project. Due to a shorter duration of on-site activities and a reduced footprint of disturbance, temporary impacts to biological resources would be reduced under this alternative. While this alternative would result in a net gain of habitat area for plants and wildlife (due to revegetation of the reclaimed slope and assumed revegetation of new access on site), the overall gain would be substantially less compared to the Project. While this basic reclamation alternative results in reduced temporary impacts to biological resources, it poses significant threats to biological resources throughout the Tijuana River Valley by reducing land managers' abilities to manage sediment in a cost effective and sustainable manner and protect downstream habitat and species. Overall impacts under this alternative would be reduced compared to the Project due to an overall smaller footprint and reduced extent of ground-disturbing activities. While the overall duration of activities capable of impacting previously unknown resources and human remains would be reduced under this alternative, similar mitigation measures as those required for the Project (updated archaeological survey, limited archaeological and Kumeyaay Native American monitoring, and standard notification and halt work protocol should human remains be encountered) would be implemented. Reclamation activities associated with this alternative are likely to require over 2,000 cubic yards of excavation and, thus, impacts to paleontological resources would be potentially significant and require implementation of the standard mitigation measure that includes a pre-construction records search verification; presence of a paleontological monitor during grading, excavating, and trenching work; implementation of a discovery notification process; and post-construction preparation of a paleontological report. Compared to the Project and due to a smaller construction footprint, this alternative would experience a reduced potential for paleontological impacts. Compared to the Project, operational activities associated with this alternative would occur over a substantially shorter duration. Thus, noise impacts under the Basic Reclamation (6,500 CY) Alternative would be reduced compared to the Project. The Basic Reclamation (6,500 CY) Alternative would be subject to the same design features as the Project to reduce impacts related to wildfire.

This alternative would partially address Project objectives including Objectives 2 (divert sediment from landfills), 3 (improved water quality), 4 (stabilization of the Project site and reduced opportunities for downstream erosion, runoff, and water quality impairment), 5 (implement cost-effective habitat protection), and 7 (release the existing MINE ID No.). However, compared to the Project, the Reduced Capacity (6,500 CY) Alternative falls significantly short of a meaningful achievement of these objectives. For example, 6,500 CY represents less than 10% of only 1 year of estimated sediment management need for land managers in the Tijuana River Valley. Although approximately 6,500 CY of excavated sediment would be diverted from landfills, following completion of this alternative, sediment placement and disposal would not change in any significant manner. In addition, Objective 1

would not be fully achieved as the site would not be restored to historic (pre-mining operations) landform and vegetative patterns.

3.3 Alternative 3: Reduced Capacity (500,000 CY)

The Reduced Capacity (500,000 CY) Alternative proposes the placement of 500,000 CY of excess sediment from annual basin and channel maintenance activities for reclamation, landform creation, and habitat restoration efforts on the Project site. This alternative would entail half the intended placement volume of the Project and the duration of on-site activities would be approximately 4 years. Due to a reduced volume of sediment to be placed on the Project site, the landforms created under this alternative would have a smaller footprint than those associated with the Project. As such, this alternative would not fully restore the site to historic (pre-mining operations) topography and vegetative patterns. Similar to the Project, this alternative would include on-site sediment processing and placement, interim and permanent revegetation, and, once construction activities are complete, the Project site would be managed as restored open space.

The Reduced Capacity (500,000 CY) Alternative would result in reduced criteria air pollutant emissions and TAC emissions, reduced fugitive dust emissions, and fewer soil constituent TAC emissions comparative to the Project. However, implementation of MM-AQ-1 would be required to reduce emissions of TAC and diesel particulate matter emissions from the Reduced Capacity (500,000 CY) Alternative. Compared to the Project, air quality emissions associated with regional truck traffic over the operational life of the on-site activities would be greater under this alternative. While this Reduced Capacity (500,000 CY) Alternative would result in reduced permanent and temporary impacts to biological resources on site, it would pose a significant threat to biological resources throughout the Tijuana River Valley by reducing land managers' abilities to manage sediment in a cost effective and sustainable manner and protect sensitive downstream habitat. Because the area of disturbance would be reduced compared to the Project, potential impacts to archaeological, historic, and tribal cultural resources would generally be reduced under the Reduced Capacity (500,000 CY) Alternative. The Reduced Capacity (500,000 CY) Alternative would result in similar mining and reclamation activities occurring on site. Therefore, impacts to paleontological resources under Alternative 3 would be similar to those under the proposed Project, and impacts would be less than significant with mitigation incorporated. The Reduced Capacity (500,000 CY) Alternative would be subject to the same design features required to reduce impacts related to wildfire. Impacts associated with this alternative would be considered less than significant, the same as the proposed Project.

This alternative would partially address Project objectives. However, it would not maximize use of the Project site for beneficial sediment reuse and would have a shorter operational lifespan compared to the Project. Once the sediment CY goal has been met and final elevations have been achieved, sediment placement and disposal would be reused on construction sites, for beach replenishment, or habitat protection/restoration projects. If a location for reuse is not located or secured, excavated sediment would be disposed of at an appropriate regional landfill.

3.4 Environmentally Superior Alternative

CEQA requires disclosure of the environmentally superior alternative, and if the No Project/No Action Alternative is environmentally superior, identification of a superior alternative among the other alternatives (Section 15126.6[e][2]). The environmentally superior alternative is generally defined as the alternative that would result in the least adverse environmental impacts to the proposed project site and surrounding area.

Alternative 1, the No Project Alternative, would result in the fewest environmental impacts and subsequently would be considered the environmentally superior alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Of the alternatives evaluated above, the Reduced Capacity (500,000 CY) Alternative was found to be the environmentally superior alternative because it is feasible to implement and reduces the severity of potentially significant impacts associated with the Project. The Reduced Capacity (500,000 CY) Alternative was found to have reduced impacts related to air quality; biological resources; archaeological, historic, and tribal cultural resources; geology and soils; noise; and wildfire. The Reduced Capacity (500,000 CY) Alternative also generally meets all the Project objectives, albeit with a reduced total capacity for beneficial reuse of sediment on the Project site. Although the Reduced Capacity (500,000 CY) Alternative is found to be the environmentally superior alternative from a site-based analysis, considering the Tijuana River Valley more broadly, this alternative does not maximize Project objectives and falls short of achieving potential environmental and public health benefits of the Project.