

ADDENDUM

to the

FINAL MITIGATED NEGATIVE DECLARATION FOR CHANNEL MAINTENANCE ACTIVITIES

City File No. ENV12-0001
SCH # 2012121063

Prepared for:



Planning Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4671

September 5, 2014

INTRODUCTION

This Addendum to the Final Mitigated Negative Declaration (MND) for the “Channel Maintenance Activities” (SCH No. 2012121063) has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164. It updates the MND that was prepared for the City of Escondido (City) and adopted in March 6, 2013. The adopted MND is available for review at the City of Escondido Planning Department, which is located at 201 North Broadway, Escondido, CA 92025.

On March 6, 2013, the Escondido City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Program (City File No. ENV12-0001 and Resolution No. 2013-24) for Channel Maintenance Activities. The City of Escondido owns and operates a Municipal Separate Storm Sewer System (MS4) infrastructure that includes various storm water facilities associated with flood control and drainage throughout Escondido. The City has ongoing needs to effectively perform routine Operations and Maintenance (O&M) activities for flood control and the management of sediment deposition at 63 of these sites. The routine O&M activities in the various facilities are necessary for proper storm drain function and the recovery of the original system capacity. The 63 maintenance sites occur in and appurtenant to native, naturalized, and developed channels, varying in size, shape, habitat composition, and habitat quality. O&M activities would include repairs and improvements, such as the removal of silt and vegetation by various means: through measures including concrete and earthen channel-dredging; basin dredging; culvert, inlet, and outlet clean-out; vegetation clearing and trimming; and access road clearing.

The environmental analysis identified several mitigation measures to address and mitigate potentially significant impacts to less than a significant level in accordance with the California Environmental Quality Act. Appropriate permits from various agencies are required to perform the necessary work, along with appropriate mitigation for impacts to sensitive resources/habitat areas. The Regional General Permit Program (RGP) consolidates all required environmental permits from applicable resource agencies into one application for a five-year period. Overall, the RGP is the City’s five-year plan for maintenance of each site while protecting its environmental resources and provides the foundation for the City’s multi-agency permit application project. The frequency with which maintenance activities would be conducted is site-specific, varies by structure and location, and ranges from annually to biannually.

PROJECT REVISION

The project includes measures to avoid and minimize potential impacts to native riparian trees and shrubs including a restriction on the removal of native trees, but does allow trimming up to a height of 7 feet. Since the project approval in 2013, the City’s Public Works Department has identified areas that in limited circumstances, trees may need to be trimmed between 7 and 13 feet height in order to accommodate certain mechanical equipment. Therefore, Biological Mitigation Measure (BIO-15) is proposed to be modified to accommodate appropriate access and working area, as well as to eliminate confusing language regarding trimming/pruning of mature trees to be replaced with language to maintain the overall health and appearance of native mature trees as follows:

<p>BIO-15</p> <p>Native Tree Avoidance</p>	<p>The City will not remove mature native trees, including but not limited to willow (<i>Salix</i> spp.), cottonwood (<i>Populus</i> spp.), western sycamore (<i>Platanus racemosa</i>), and oak (<i>Quercus</i> sp.). The City may trim these species up to a height of 7 feet, baring oaks and sycamores with a diameter breast-height (DBH) greater than 9.5 inches, which may not be pruned. , with a certified arborist as long as the project biologist determines that such pruning will not result in a significant impact to the health of the tree, baring oaks and sycamores with a diameter breast-height (DBH) greater than 9.5 inches, which may not be pruned.</p> <p><u>Where access and operation of equipment is limited, portions of trees may be trimmed/pruned to no more than 13 feet provided a certified arborist and/or project biologist determines that such pruning will not result in a significant impact to the health of the tree.</u></p> <p>Trimming/pruning of native trees will be conducted outside the nesting season (February 15 through September 15) <u>and shall be done in a manner to maintain the trees overall health and appearance. and will only be conducted if the absolute (bird's-eye) percent cover of tree/shrub canopy is not measurably reduced.</u> Cutting of branches greater than 2 inches in diameter shall be done by certified arborist.</p>
--	--

There are no proposed changes to the approved project and this addendum only addresses the proposed modifications to the mitigation measures and compares the associated potential environmental impacts of the proposed project. This Addendum is an informational document, intended to be used in the planning and decision-making process as provided for under Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. This Addendum concludes that the proposed changes to the project mitigation measures will not: (1) result in new significant impacts; or (2) substantially increase the severity of previously disclosed impacts beyond those already identified in the 2013 MND. Therefore, a subsequent Mitigated Negative Declaration would not be required under CEQA to implement the proposed project modifications.

STATUTORY BACKGROUND

The City of Escondido is the CEQA lead agency for the Proposed Project. Under CEQA, an Addendum to a certified Environmental Impact Report or Negative Declaration may be appropriate if minor technical changes or modifications to the project are proposed (CEQA Guidelines § 15164). An Addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines § 15164(c)). Because no changes in the approved project are proposed, the Addendum does not require a public hearing or consideration by the City Council.

This MND Addendum demonstrates that the environmental analysis, impacts and mitigation measures/requirements identified in the 2005 MND remain substantively unchanged by the situation described herein, and supports the finding that the proposed project modifications do not result in new significant impacts and do not exceed the level of impacts identified in

the 2005 MND. Therefore, recirculation of the adopted MND for public review is not required, pursuant to CEQA Guidelines Section 15164. The City also has determined that preparation of a subsequent environmental impact report or mitigated negative declaration is not required under CEQA Guidelines Section 15162. To support this decision, the following discussion describes the proposed project modifications and the associated environmental analysis.

IMPACT ANALYSIS

City staff reviewed the adopted 2013 Initial Study/MND in conjunction with the proposed modifications to the mitigation measure(s) and has determined that the proposed changes described in this Addendum would not result in any new significant impacts or a substantial increase in the severity of significant impacts identified for the previously adopted MND. Analysis of the current project compared to the previously approved development is as follows:

BIOLOGICAL RESOURCES – The originally approved project and proposed modifications would affect the same project site and impact area footprints. No changes or expansion to the project area is proposed, but only minor modification to adopted mitigation measures. Mitigation measures would continue to remain in place to offset potential impacts to identified vegetation communities within the biological study area (specifically native riparian trees). The proposed modification would not impact any sensitive plant or animal species with potential to occur within or near the project footprint. Language has been modified to Mitigation Measure BIO-15 to ensure the continued health and appearance of mature trees as a result of required trimming/pruning, which would be conducted under the supervision of the project arborist/biologist.

SUMMARY AND FINDINGS

The City previously prepared and adopted the 2013 MND, which is on file in the Planning Division. The CEQA Guidelines call for an addendum to an adopted Negative Declaration to be prepared if only minor technical changes or additions are necessary, or if none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. (See Section 15164.)

Pursuant to Section 15162(a) of the CEQA Guidelines and based upon a review of the current proposed project, it has been determined that:

1. No substantial changes are proposed in the project that would require major revisions of the 2013 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require major revisions of the 2013 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2005 MND was certified as complete, that shows any of the following:


- (A) The project will have one or more significant effects not discussed in the 2013 MND;
- (B) Significant effects previously examined will be substantially more severe than shown in the 2013 MND;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives that are considerably different from those analyzed in the 2013 MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA is clear in its preference to use previously prepared environmental documents when anticipated project specific impacts have been clearly assessed. Section 15162 of the CEQA Guidelines prescribes criteria where a previously adopted Negative Declaration can be used and when a new Negative Declaration should be prepared.

The Impact Analysis in this Addendum indicates the proposed modification is in substantial conformance with the previously approved design and operation of the Project and therefore would have no new impacts not already identified in the previous 2013 MND. The 2013 MND did not identify any impacts associated with implementation of the Proposed Project that would be significant after mitigation. This Addendum does not identify any Proposed Project impacts that would be significant after mitigation and no new or additional mitigation is required.

There is substantial evidence to approve this Addendum pursuant to Sections 15164 and 15162 of the CEQA Guidelines. No additional environmental review is warranted, because the lead agency has determined that on the basis of substantial evidence in the whole record the Proposed Project does not create any of the substantial effects on the environment that are identified in Section 15162(a)(1) through (a)(3). No circulation of this Addendum for public comment is required. (CEQA Guidelines Section 15164(c)).

This Addendum was considered and made a final part of the Administrative Record for the project on September 5, 2014. This Addendum will be considered, along with the Final MND, in any future discretionary actions or other actions associated with the project.



Jay Paul, Associate Planner
City of Escondido, Planning Division
jpaul@ci.escondido.ca.us

Date: September 5, 2014