

RESOLUTION NO. 01-23

**RESOLUTION OF THE GOVERNING BOARD OF THE
SWEETWATER AUTHORITY, SAN DIEGO COUNTY,
CALIFORNIA, CERTIFYING AND ACCEPTING AS
ADEQUATE A SUPPLEMENT TO THE FINAL
ENVIRONMENTAL IMPACT REPORT (SCH NO.
1985101602) FOR THE SWEETWATER RESERVOIR
RECREATION MASTER PLAN SHORELINE FISHING
PROGRAM, AND ADOPTING A MITIGATION
MONITORING PROGRAM IN CONNECTION
THEREWITH, AND DIRECTING THAT A NOTICE OF
DETERMINATION BE FILED.**

WHEREAS, on May 13, 1987, the Sweetwater Authority ("District") certified a Final Environmental Impact Report ("FEIR") for the Sweetwater Reservoir Recreation Master Plan;

WHEREAS, subsequent to certification of the FEIR, it was determined that external funding was not available; and therefore, the project was not approved at that time, and

WHEREAS, the grant funding for the recreation proposal has become available for a reduced shoreline fishing program for which environmental impacts would be reduced, but due to changes in the regulatory environment would require additional environmental studies and processing,

WHEREAS, the District, as lead agency, has prepared and circulated for comment a Supplement to the FEIR ("SEIR") for the Project to evaluate these potential impacts; and

WHEREAS, the County of San Diego, California Department of Health Services, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the San Diego Local Agency Formation Commission were provided with copies of the SEIR; and

WHEREAS, the SEIR was prepared pursuant to the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. "CEQA"), and the State CEQA Guidelines (California Code of Regulations § 15000 et seq. ("Guidelines"); and Sweetwater Authority Local Guidelines for implementing CEQA (2001),

WHEREAS, written comments received during public review of the SEIR and all comments have been addressed in the Final SEIR; and

WHEREAS, the District Governing Board ("Board") has received and reviewed the SEIR;

WHEREAS, Section 15063 of the State CEQA Guidelines and Section 7.29 of the Local Guidelines, require that the Board make one or more of the following findings prior to approval of the project for each significant effect shown in the SEIR;

(1) That changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment, and which are fully enforceable through permit conditions, agreements, or other measures.

(2) That such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Authority. Such changes have been, or can and should be, adopted by that other agency;

(3) That specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the SEIR. The decision making body must make specific written findings stating why it has rejected an alternative to the project as infeasible;

WHEREAS, consistent with the requirements of Section 21081.6(a) and Section 15091(d) of the Guidelines, and 7.32 of the Sweetwater Authority Local Guidelines, the District has prepared a Mitigation, Monitoring and Reporting Program to ensure compliance with the mitigation measures contained in the SEIR. Mitigation measures are structured according to the criteria in Section 15370 of the Guidelines. This section provides generally that "mitigation" includes: (a) avoidance of an impact; (b) minimization of an impact; (c) rectifying an impact by restoration; (d) reducing or eliminating an impact over time by preservation and maintenance operations; and (e) compensating for the impact by replacing or providing substitute resources or environment; and

WHEREAS, the Supplement reflects the independent judgment and analysis.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Recitals. The above recitals are all true and correct.

2. Acceptance of the Supplement. The Board has reviewed and considered the previous FEIR and the SEIR for the Sweetwater Reservoir Recreation Master Plan Shoreline Fishing Program, SCH No. 1985101602, and the Statement of Findings and Facts hereto as Exhibit "A" and finds and certifies that the previous FEIR as revised by the Final SEIR is complete and adequate in that it addresses all environmental effects of the Project and further complies with the requirements of CEQA, Guidelines, and Sweetwater Authority Local Guidelines.

3. Information on File. The FEIR, Supplement and all related materials have been and will be on file with the Sweetwater Authority, 505 Garrett Avenue, Chula Vista, California, and 100 Lakeview Avenue, Spring Valley, California.

4. Identification of Significant Environmental Effects. This Board finds that the SEIR has identified and evaluated all potentially significant environmental effects of the Project.

5. Conditions of Findings. This Board makes the findings in the "Finding of Facts" with respect to any significant impacts identified in the SEIR together with the finding that each fact in support of the findings is true and is based on substantial evidence in the record, including the SEIR. The findings are attached as "Exhibit A" and incorporated herein by this reference.

6. Imposition of Mitigation Measures. This Board finds that the SEIR identifies several impacts that are potentially significant and identifies mitigation measures that mitigate these impacts to below a level of significance. The Board hereby adopts and approves as a condition of Project approval, the Mitigation, Monitoring, and Reporting Program attached hereto as "Exhibit A" and incorporated herein by this reference.

6. Feasible Mitigation Measures. The Board finds that all potential mitigation measures discussed in the SEIR are feasible and are thus incorporated into the Project.

7. Project Approval. The Board hereby approves the Sweetwater Reservoir Recreation Master Plan Shoreline Fishing Program.

8. Authorization to File Notice of Determination. The Sweetwater Authority staff is authorized and directed to prepare and file a Notice of Determination within five working days after approval of the Project described in the Supplement and submit it to the State Clearinghouse and San Diego County Clerk.

9. Certification. The secretary shall certify to the adoption of this Resolution.

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EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT

STATEMENT OF FINDINGS OF FACT FOR THE SWEETWATER AUTHORITY SWEETWATER RESERVOIR RECREATION MASTER PLAN SHORELINE FISHING PROGRAM

I. INTRODUCTION

A Master Plan and EIR for Sweetwater Reservoir Recreation were prepared in the 1980s. A revised Master Plan that substantially reduced the project and its impacts to the environment was prepared in 2000-2001. As such, a Supplemental to the final EIR was prepared and circulated for public review in June 2001. During public review, the Local Agency Formation Commission (LAFCO), the County of San Diego Department of Planning and Land Use (DPLU), the Department of Public Works (DPW), and the Sweetwater Community Planning Group and Trails Subcommittee submitted comments that resulted in substantial revisions to the document and recirculation of the SEIR. The document was recirculated for public review from October 26 through December 9, 2001. During that time, comments were received from LAFCO, the Sweetwater Community Planning Group, and the California Department of Fish and Game. The County of San Diego, a responsible agency for approval of a Major Use Permit for the project, submitted comments on December 13, 2001.

II. PROJECT DESCRIPTION

The project is a shoreline fishing program to allow public recreation along approximately 2.5 miles of the southwest shoreline of Sweetwater Reservoir. In the 1980s, a Sweetwater Reservoir Recreation Program was planned and the EIR certified by the Sweetwater Authority Governing Board on May 13, 1987. Grant funding has been received from the State of California and the County of San Diego to construct this project. However, because of the limited funding received the current project is reduced from the project analyzed in the 1987 Final EIR. It consists of the following elements: use of an existing residence for office/concession/caretaker building; widening of the existing driveway to 25-feet for use as a private access road to the fishing facility; installation of sewer facilities to the concession building; provision of restrooms and 30 parking spaces adjacent to the office/concession/caretaker building; construction of a 150-space parking lot on San Miguel Point; widening of the maintenance road from the driveway to the parking lot; improvement of existing trails; installation of water lines, irrigation, landscaping, and portable restrooms.

III. PROJECT LOCATION

The project site is located in southwest San Diego County, in the unincorporated community of Bonita, along the southwest shoreline of Sweetwater Reservoir. The entrance would be via the existing driveway at 6503 San Miguel Road, east of Proctor Valley Road.

3. A storm water pollution prevention plan shall be incorporated into the grading and drainage design plans and shall provide for implementation of construction and post-construction best management practices (BMPs) onsite to reduce the amount of pollutants and sediments in construction and post-construction surface runoff discharged into Sweetwater Reservoir and natural drainage courses.
4. Prior to issuance of any grading permit, the permittee shall submit a construction spill contingency plan and receive approval by the County Department of Environmental Health (DEH). The plan shall be prepared in accordance with County DEH regulations and retained on-site by the construction manager. If soil is contaminated by a spill, the soil shall be properly removed and transported to a legal disposal site.
5. Prior to the issuance of any grading permit, the permittee shall amend the Domestic Water Supply Permit through the State of California Department of Health Services. As part of the amendment process, a water quality management plan shall be submitted to and approved by the California DHS.

B. Biological Resources:

1. **Significant effect:** Permanent direct impacts to vernal pool complex (pool basins and supporting watershed), mixed native grassland and broken sage scrub, mixed native and non-native grasslands, and would be significant because these are sensitive habitats. Loss of non-native grassland would be significant due to the occurrence of federally and state endangered Otay tarplant.
2. **Significant effect:** Permanent direct and indirect impacts to the Otay tarplant and potential Otay tarplant habitat, and if present, the San Diego fairy shrimp and coastal California gnatcatcher, would be significant due to the high sensitivity of these species. Direct injury to brown pelicans as a result of fishing activity would also be considered significant.
3. **Significant effect:** An increase in the invasion of exotic plant species, from the use of such species in any landscaping could potentially be a significant impact.
4. **Significant effect:** Impacts to sensitive vegetation, sensitive plant and animal species from fugitive dust that could arise grading activities could potentially be a significant impact depending upon the extent and timing of such impacts. Dust generated from the proposed decomposed granite road surfacing may also pose a potentially significant impact to vegetation.
5. **Significant effect:** Erosion of and/or sedimentation within Sweetwater Reservoir and the vernal pools would be a significant impact. If such impacts were to occur to the vernal pools occupied by the San Diego fairy shrimp, impacts to this species would also be significant. Alteration of the watershed of vernal pools outside of the project impact area would also be considered a significant impact.

- b. A conservation easement dedicated to the CDFG shall have been placed over the mitigation area, alternatively, there shall be other assurances subject to USFWS and CDFG approval that the mitigation habitat will be protected in perpetuity with active management and will not be used as mitigation for future projects. The mitigation area shall adequately conserve 2.70 acres of vernal pool complex, 4.36 acres of Otay tarplant restoration and enhancement area, and 9.78 acres of potential Otay tarplant habitat; all of which are described in the restoration plan (see Appendices). An additional 1.92 acres of mixed native grassland and broken sage scrub, 1.00 acres of mixed native and non-native grassland, and 0.45 acre of non-native grassland will also be set aside as permanently protected habitat. Overall, 20.21 acres of habitat will be provided as mitigation for 9.82 acres of impact.
- 2. Prior to issuance of the grading permit the applicant shall:
 - a. Obtain or provide evidence in the form of a letter from the respective agency that all applicable state and federal permits have been obtained or that no permit is required for the proposed activities.
 - b. Obtain review and approval by the USFWS and CDFG of the landscape plan. The landscape plan shall strive to use, to the extent practicable, native plants and/or low-water tolerant, non-native plants that have a very low potential for invading adjacent native habitats.
- 3. Prior to commencement of grading activities, the applicant shall ensure that the following construction methods and requirements are noted in the construction plans and specifications:
 - a. Provision shall be made to inform construction contractors, prior to the bidding process, about the biological constraints of this project. Potential contractors shall be notified that they will be responsible for impacts to sensitive biological resources, beyond those identified herein, which occur as a direct result of construction activities. All sensitive habitat areas to be avoided shall be clearly marked on project maps provided to contractors. These areas shall be designated as "no construction" zones and shall be flagged by the project biologist prior to the onset of construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts.
 - b. A contractor education program shall be implemented to ensure that contractors and all construction personnel are fully informed of the biological resources associated with this project. This program shall focus on i) the purpose for resource protection, ii) contractor identification of sensitive resource areas in the field (e.g., areas delineated on maps and by

- j. All grading activities shall be conducted outside of the breeding season for the coastal California gnatcatcher (i.e., no grading or blasting from February 15 through August 30).
- 4. Prior to final inspection pursuant to the grading permit, sensitive habitats in the vicinity of the fishing program shall be permanently fenced with wildlife friendly fencing (no barbed wire or chain-link fences) and posted to preclude unauthorized public access and to avoid or minimize indirect project impacts.
- 5. Following final inspection of grading and commencement of fishing activities, Sweetwater Authority shall construct a kiosk or other public information facilities to provide education on the biological value and importance of the area. Routine patrol by reservoir staff will enforce habitat access restriction in a positive manner to gain public support.
- 6. Sweetwater Authority shall post and enforce speed limits of no more than 15 mph to reduce fugitive dust generation from vehicles traveling on the unpaved access road. Speed bumps may be incorporated into the final design of the access road to further reduce dust generation, particularly in areas immediately adjacent to sensitive resources. If used, speed bumps will be designed to incorporate the existing hydrological patterns of the adjacent areas to ensure that they do not alter existing hydrology. If fugitive dust generation continues to impact sensitive habitat, Sweetwater Authority shall investigate the use of other surface materials and polymers for the access road that would reduce potential dust generation. Lastly, a water truck may be employed to reduce these emissions, if deemed necessary.
- 7. Sweetwater Authority shall monitor the effects of fishing activities to wildlife, in particular the brown pelican, to determine if animals are being harmed by fishing lures or entanglement in monofilament fishing line. Monitoring shall be performed jointly by recreation patrol staff and the Authority's staff biologist. Any observed injured wildlife would be reported immediately to the staff biologist. Efforts will be taken to remedy any identified injury, including transport to one of several recognized native wildlife rehabilitation centers. If monitoring determines that fishing activities are imposing undue effects to brown pelicans, the Authority will consult with the appropriate state and wildlife agencies.

EXHIBIT B

**MITIGATION MONITORING PROGRAM
FOR THE
SWEETWATER RESERVOIR
RECREATION MASTER PLAN
SHORELINE FISHING PROGRAM
County of San Diego
Permit Number: MUP 01-012
Environmental Log No: 01-19-018**

State Clearinghouse Number: 1985101602

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In order to minimize temporary impacts to sensitive biological resources, the staging areas for equipment storage would be located on the existing residential parcel or within the South Dike landfill area.

Table I includes as mitigation checklist prepared for the project. Information contained within the checklist clearly identifies the mitigation measure, delineates the monitoring schedule, and defines the conditions required to verify compliance. This corresponds to the mitigation and monitoring program found in the Supplement to the Final EIR for the Sweetwater Reservoir Recreation Master Plan.

Table 1
Mitigation Measures, Monitoring and Reporting
for the Sweetwater Reservoir Master Plan Shoreline Fishing Program

Resource	Mitigation Measure	Timeframe	Responsibility	Approval	Date of Completion	Date of verification
Water Quality	The permittee shall submit a site drainage plan that assures that drains are designed to control runoff and that drains are directed only to sedimentation basins, swales, mechanical trapping devices, or similar devices to minimize the potential for erosion damage and minimize water quality impacts. As an ongoing condition of the plan, the drainage system shall be cleaned and maintained every four months, or as necessary, to ensure the system functions properly. An annual letter report prepared by the permittee identifying the quarterly clean-out dates, system conditions, and required maintenance shall be provided to the Director of DPW. Spot checks of the drainage system may be made by DPW to ensure proper clean-out and maintenance	Prior to issuance of any grading permits	Chief Engineer	Director of DPW		
	Permittee shall submit an NOI and obtain a NPDES permit from the SWRCB. Adherence to all conditions of the General Permit for Construction Activity shall be required.	Prior to the issuance of any grading permit	Director of Water Quality	SWRCB		

Table I Continued (page 3)

Biological Resource	Mitigation Measure	Timeframe	Responsibility	Approval	Date of Completion	Date of verification
Vernal pool complex	Enhance and preserve 2.70 acres on-site, and within that create at least 900 square feet of basin area per Restoration Plan	Within the year of project construction	Director of Water Quality	Annual monitoring report prepared under the direction of SWA Field Biologist and submitted to CDFG/USFWS.		
Mixed native grassland and broken sage scrub	Preserve 1.92 acres on-site	Prior to construction	Director of Water Quality	CDFG/USFWS		
Mixed native and non-native grassland	1.0 acres	Prior to construction	Director of Water Quality	CDFG/USFWS		
Non-native grassland	0.45 acre	Prior to construction	Director of Water Quality	CDFG/USFWS		
Intermittent stream	180 square feet	Within the year of project construction	Director of Water Quality	CDFG/USFWS		
Otay tarplant (observed)	4.36 acres	Within the year of project construction	Director of Water Quality	Annual monitoring report prepared under the direction of SWA Field Biologist and submitted to CDFG/USFWS.		
Otay tarplant (potential)	9.78 acres total	Prior to construction	Director of Water Quality	CDFG/USFWS		