# Inland Rail Trail Bikeway

SAN DIEGO ASSOCIATION OF GOVERNMENTS
CITIES OF SAN MARCOS, VISTA, OCEANSIDE, COUNTY OF SAN DIEGO
SAN DIEGO COUNTY, CALIFORNIA

# ~~Public Review Draft~~Final
# Initial Study/Subsequent Mitigated Negative Declaration

**Prepared by the San Diego Association of Governments**

SANDAG
San Diego's Regional Planning Agency

**July~~May~~ 2013**

# Preface

This is a Final Subsequent Initial Study/Mitigated Negative Declaration (MND), prepared pursuant to the California Environmental Quality Act (CEQA), addressing the potential environmental effects of the implementation of the San Marcos-to-Vista segment of the Inland Rail Trail. The Draft Subsequent MND was circulated for a 30 day public review from May 28, 2013, to June 26, 2013 (State Clearinghouse No. 1999081121). Comments received during the public review period are provided in Appendix J of the Final Subsequent MND. Also provided in Appendix J are written responses to the environmental issues raised in the comments.

In response to comments received on the Draft Subsequent MND, minor revisions and clarifications have been made to the Final Subsequent MND, including the Initial Study. All revisions are shown in ~~strikeout~~ and <u>underline</u> in the Final Subsequent MND.

The documents and other materials that constitute the record of proceedings on which SANDAG's Findings of Fact are based are located at 401 B Street, Suite 800, San Diego, California 92101. The custodian of these documents is Andrew Martin, Associate Environmental Planner. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines §15074(c). The documents and other materials that constitute the record of proceedings on which SANDAG's adoption of the Final Mitigated Negative Declaration is based consist of the following documents, at a minimum:

- The *Final Mitigated Negative Declaration for the Oceanside-Escondido Bikeway Project* adopted by the City of San Marcos in 1999.
- All public notices issued by SANDAG in conjunction with the project.
- The Draft and Final Subsequent MNDs, including all appendices and technical studies included or referenced in the Draft and Final Subsequent MNDs.
- All comments submitted by agencies or members of the public during the 30-day public comment period on the Draft Subsequent MND.
- All comments and correspondence submitted to SANDAG with respect to the Project.
- The Mitigation Monitoring and Reporting Program for the Project.

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**Appendices**

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# Acronyms

| | |
|---|---|
| APE | Area of Potential Effects |
| ASR | Archaeological Survey Report |
| BSA | Biological Study Area |
| Caltrans | California Department of Transportation |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| CPUC | California Public Utilities Commission |
| CFR | Code of Federal Regulations |
| CO | Carbon Monoxide |
| CWA | Federal Clean Water Act |
| EIR | Environmental Impact Report |
| FHWA | Federal Highway Administration |
| Final MND | Final Mitigated Negative Declaration for the Oceanside-Escondido Bikeway Project |
| GHG | Greenhouse Gas |
| HPSR | Historic Property Survey Report |
| ISA | Initial Site Assessment |
| MHCP | Multiple Habitat Conservation Plan |
| MSCP | Multiple Species Conservation Plan |
| NAHC | Native American Heritage Commission |
| NCTD | North County Transportation District |
| NES | Natural Environment Study |
| $NO_x$ | Nitrogen Oxides |
| NPDES | National Pollutant Discharge Elimination System |
| $PM_{10}$ | Particulate Matter less than 10 microns |
| PRC | Public Resources Code |
| ROG | Reactive Organic Compounds |
| ROW | Right-of-Way |
| RTP/SCS | Regional Transportation Plan/Sustainable Communities Strategy |
| RWQCB | Regional Water Quality Control Board |
| SANDAG | San Diego Association of Governments |
| SDG&E | San Diego Gas and Electric |
| $SO_2$ | Sulfur Dioxide |
| SR | State Route |
| Subsequent MND | Inland Rail Trail Initial Study/Subsequent Mitigated Negative Declaration (this document) |
| TMA | Transportation Management Area |
| USACE | United States Army Corps of Engineers |
| USFWS | United States Fish and Wildlife Service |
| VIA | Visual Impact Assessment |

# Introduction

The San Diego Association of Governments (SANDAG) proposes to construct an approximately 7-mile long Class I bikeway generally located in North County Transit District (NCTD) right-of-way (ROW) from the intersection of North Melrose Drive and West Bobier Drive/Oceanside Boulevard at the border of City of Vista and City of Oceanside to the existing terminus of the Class I bikeway at the intersection of West Mission Road and North Pacific Street in the City of San Marcos (hereinafter referred to as the "proposed project"). Approximately 0.1 mile of the proposed project is located within City of Oceanside ROW along Melrose Drive.

The proposed project is a portion of the Oceanside-Escondido Bikeway Project, a bikeway from the City of Escondido to the City of Oceanside in San Diego County, California (also referred to as the Inland Rail Trail Project). The proposed project was originally evaluated in the *Final Mitigated Negative Declaration for the Oceanside-Escondido Bikeway Project* (hereinafter referred to as "Final MND") (City of San Marcos 1999). The Final MND in its entirety is hereby incorporated by reference into this Subsequent Initial Study/Mitigated Negative Declaration (Subsequent MND) pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15150.

The Subsequent MND identifies changes to the project description, physical environment, regulatory setting, environmental impact analysis, and mitigation measures from what was described in the Final MND. The Subsequent MND demonstrates that none of the criteria identified in CEQA Guidelines Section 15162 would be met as a result of the changes described herein; therefore, preparation of a subsequent environmental impact report (EIR) would not be required. As documented in the Initial Study checklist, all potentially significant environmental effects of the proposed project would be less than significant with the implementation of mitigation measures.

In accordance with CEQA Guidelines Section 15105, the Subsequent MND was~~is~~ available for a 30-day public review period from~~that will begin on~~ May 28, 2013 to~~. Written comments regarding the adequacy of the Subsequent MND must be received by~~ June 26, 2013. All written comments received during and after this review period are included in Appendix J along with written responses from SANDAG. ~~Comments should be addressed, emailed, or faxed to:~~

~~Andrew Martin, Associate Environmental Planner~~
~~SANDAG~~
~~401 B Street, Suite 800~~
~~San Diego, CA 92101~~
~~andrew.martin@sandag.org~~
~~Fax: (619) 595-5375~~

Copies of the Subsequent MND and supporting materials ~~are~~ were available on the SANDAG Web site at www.keepsandiegomoving.com/inlandrailtrail and at the SANDAG office at the address provided above. Copies of the Draft MND were~~are~~ available at the following public libraries:

- San Marcos Public Library
  2 Civic Center Drive
  San Marcos, CA 92069
- Vista Public Library

700 Eucalyptus Avenue
Vista, CA 92084

SANDAG ~~has scheduled~~held two public meetings on the Inland Rail Trail project and the Subsequent MND to accept public comment on the document.

- June 5, 2013
  5:30-7:30 p.m.
  Vista Civic Center Community Room
  200 Civic Center Drive
  Vista, CA 92084

- June 12, 2013
  5:30-7:30 p.m.
  San Marcos Civic Center, Main Hall, Community Services Building
  1 Civic Center Drive
  San Marcos, CA 92069

# Background

The City of San Marcos approved the Oceanside-Escondido Bikeway Project and adopted the Final MND on October 6, 1999. The City of San Marcos served as the CEQA lead agency representing the cities of Escondido, Vista, Oceanside, and the County of San Diego. In 2001, the City of San Marcos purchased 0.90 acre of mitigation credits at the Caltrans Pilgrim Creek Mitigation Bank, which restored a fallow agricultural field to a 19.2 acre aquatic habitat that is managed in perpetuity by the California Department of Fish and Wildlife (CDFW). The credit purchase served as compensatory mitigation for unavoidable adverse impacts of the Oceanside-Escondido Bikeway Project on jurisdictional Waters of the United States including riparian floodplain wetlands.

Since approval of the Oceanside-Escondido Bikeway Project and adoption of the Final MND, the easternmost portion of the Class I bikeway has been constructed by the cities of Escondido and San Marcos from the Escondido SPRINTER Rail Station in the City of Escondido to the intersection of West Mission Road and North Pacific Street in the City of San Marcos. No other portions have been constructed to date. Since 2008, NCTD has operated SPRINTER light rail service along 22 miles of ROW from Escondido to Oceanside, serving 15 stations.

On April 22, 2011, SANDAG Board of Directors approved the Regional Bicycle Plan: Proposed Initial Implementation. With this Initial Implementation, SANDAG assumed responsibility as lead agency in project and program implementation of these regional bicycle projects. The Inland Rail Trail is one of the projects proposed for initial implementation. The Initial Implementation Plan includes preliminary engineering and compliance with CEQA and the National Environmental Policy Act of 1969 (NEPA) for the proposed project.

SANDAG has assumed the CEQA lead agency role and responsibilities and intends to oversee design and construction for the remaining unconstructed portion of the Oceanside-Escondido Bikeway Project. This Subsequent MND has been prepared for the next portion, an approximately 7-mile bikeway that would run from the intersection of North Melrose Drive and West Bobier Drive/Oceanside Boulevard at the border of City of Vista and City of Oceanside to the existing terminus of the Class I bikeway at the intersection of West Mission Road and North Pacific Street in the City of San Marcos. The Oceanside-Escondido Bikeway Project is identified in adopted SANDAG plans, including the 2050 Regional Transportation Plan/Sustainable Communities Strategy (2011) and San Diego Regional Bicycle Plan (2010).

# Project Description

SANDAG, on behalf of the City of San Marcos, County of San Diego, and City of Vista, proposes to design and construct a 7-mile bikeway within the Cities of San Marcos and Vista, and the County of San Diego (Figure 1: Project Vicinity and Figure 2: Project Location). Approximately 0.1 mile of the proposed project is located within City of Oceanside ROW along Melrose Drive. The proposed project would involve the construction of a Class I bikeway generally located in the NCTD railroad ROW between the intersection of North Melrose Drive and West Bobier Drive/Oceanside Boulevard at the border of City of Vista and City of Oceanside and the intersection of West Mission Road and North Pacific Street in the City of San Marcos (Figure 3: Project Features).

For the purposes of this environmental analysis, the area shown on Figure 3 is defined as the project area including potential temporary and permanent impacts. The proposed alignment of the project also is shown on Figure 3. The Subsequent MND evaluates the potential for the proposed project to result in adverse environmental effects within the project area. If SANDAG decides to advance the proposed project to final design following completion of the Subsequent MND, there may be modifications in the final alignment from the proposed alignment shown on Figure 3. For example, final alignments at at-grade roadway crossings or through NCTD SPRINTER stations may vary from the proposed alignment shown on Figure 3. However, the final alignment would remain within the project area shown on Figure 3. The proposed project is described below from west to east, starting at the border of City of Vista and City of Oceanside, through County of San Diego, and terminating in City of San Marcos. Modifications of existing railroad crossings as part of the proposed project would require California Public Utilities Commission authorization through the GO 88-G process or approval of a Formal Application to the Commission.

**City of Vista/City of Oceanside**

Starting at the southeast corner of the intersection of Melrose Drive and West Bobier Drive/Oceanside Boulevard, the proposed project would travel south along Melrose Drive before heading east and entering NCTD ROW on the north side of the railroad tracks (approximately 0.1 mile section along Melrose Drive is located within City of Oceanside ROW). The proposed project would continue east and south on the north side of NCTD ROW toward the Vista Transit Center Station, with at-grade crossings of the local roads at North Drive and West Los Angeles Drive. Access points would be installed to connect Calle Chapultepec and West Los Angeles Drive with the proposed bikeway. These access points would be located outside of NCTD ROW. Access points would include project features similar to the proposed project.

Private property within adjacent land of one vacant commercial lot, one single-family house, one community service organization recreational center, and three commercial businesses may be required for this portion of the proposed project. The vacant commercial property is located east of Melrose Drive and the proposed project would encroach a maximum of 3 horizontal feet into this property. The proposed project would encroach a maximum of 10 horizontal feet into the front yard of a single-family house located south of West Los Angeles Drive. The community service organization recreational center property is located adjacent to NCTD ROW, west of Calle Chapultepec, and the proposed project would encroach a maximum of 3 horizontal feet into this property on the southerly lot line and a maximum of 22 horizontal feet into this property on the easterly lot line. The three commercial business properties are

located adjacent to NCTD ROW, east of Orange Street and partially within an existing City of Vista Sewer Easement. The proposed project would encroach a maximum of 10 horizontal feet into these properties, outside of the existing easement. SANDAG would attempt to acquire said portion of private property on each of these parcels as part of the proposed project.

From Vista Transit Center Station, the proposed project would continue along the north side of NCTD ROW to the Civic Center-Vista Station, with at-grade crossings of the local roads at Vista Village Drive, Main Street, Guajome Street, and Civic Center Drive. The proposed trail alignment currently passes through a portion of a property owned and operated by the San Diego Gas and Electric Company (SDG&E) on the northwest corner of North Santa Fe Avenue and Vista Village Drive, just south of the Vista Transit Center Station. This parcel includes an SDG&E electrical substation and ancillary electrical infrastructure. The trail would be located on the west side of the SDG&E property adjacent to the NCTD ROW. The trail width would be approximately 14 feet wide (ten foot path and two foot shoulders) and would retain a shared use of that SDG&E parcel though an access easement between SDG&E and the City of Vista and approved by the California Public Utilities Commission (CPUC). The location of the trail is not expected to conflict with the existing substation use, nor SDG&E plans to upgrade their substation and ancillary electrical infrastructure in the future.

Further to the south, the proposed project would be located within the planned Soroptimist Park development. Any existing paved path through the park would be removed and replaced with the proposed project. An access point would be installed to connect Rincon Street to the proposed bikeway. The extension to Rincon Street would include an ADA-compliant switch-back ramp and stairs due to the 10-foot vertical difference between NCTD ROW and Rincon Street.

At Civic Center-Vista Station, the alignment would enter the south side of the NCTD ROW and continue to the limits of the City of Vista and enter County of San Diego jurisdiction. This portion of the project would have at-grade crossings of the local roads at Mar Vista Drive and Phillips Circle. After crossing Mar Vista Drive, the alignment would continue east within the south side of NCTD ROW and Phillips Street ROW. The portion within City of Vista would terminate approximately at the eastern terminus of Phillips Street, at which the proposed project would enter County of San Diego.

Private property within adjacent back yards of three single-family houses, one vacant lot, and one multi-family residence may be required for this portion of the proposed project. The properties are located adjacent to NCTD ROW, approximately 200 to 800 feet east of the Civic Center-Vista Station. The proposed project would encroach up to 15 horizontal feet into the yards of these properties, for the entire length of these properties along NCTD ROW. SANDAG would attempt to acquire said portion of private property on each of these parcels as part of the proposed project.

**County of San Diego**

At the eastern terminus of Phillips Street, private residential property adjacent to the south side of NCTD ROW may be required for this portion of the proposed project. The proposed project would encroach up to 28 horizontal feet into the private property, for the entire length of the property along NCTD ROW. With the encroachment, the proposed project would be located over 200 feet from the single-family residence located on the property. SANDAG would attempt to acquire said portion of private property as part of the proposed project.

From the private residential property, the proposed project would continue east along the south side of NCTD ROW, adjacent to sports fields and Hannalei Drive. Along Hannalei Drive, the proposed project would be partially within NCTD ROW and partially within Hannalei Drive ROW. At the intersection of Hannalei Drive, Woodland Drive, and South Santa Fe, the proposed project would transition to the north side of NCTD ROW. The proposed project would continue to the east, with an at-grade crossing of the local road at Buena Creek Drive. This portion of the project would pass adjacent to Buena Creek Station, and a bridge would be constructed over the Buena Creek, adjacent to the existing railroad bridge. Past Buena Creek, the proposed project would continue along the north side of NCTD ROW, with an at-grade crossing of the local road at Estrelita Drive. The proposed project would require that unauthorized encroachments (e.g., trailers, driveway improvements) into NCTD ROW near 2403 Cherimoya Drive be relocated in order to maintain adequate separation between the proposed project and the existing railroad. South of El Corto Drive and before Via Santalina, near Rancho Del Oro Towing, the proposed project would enter City of San Marcos.

**City of San Marcos**

Within City of San Marcos, the proposed project would continue along the north side of NCTD ROW, crossing underneath the Las Flores Drive Bridge. The proposed project would cross West Mission Road at-grade at North Pacific Street, where it would connect with the existing terminus of the bikeway.

**Project Features**

The proposed project would typically consist of two 5-foot paved bicycle lanes and two 2-foot unpaved shoulders, for a total width of 14 feet. In some areas the proposed project would be up to 18-feet-wide, with two 5-foot paved lanes, two 2-foot paved shoulders, and a 1-foot-wide wall and 3-foot-wide brow ditch along one side. In limited areas without property or environmental constraints, the landscaped portion of the bikeway section could be up to 35-feet-wide. For example, a landscape zone up to 35-feet-wide could occur at Soroptimist Park in the City of Vista and at the westernmost portion of the proposed project, at the border of City of Vista and City of Oceanside.

Total width would be reduced in small sections where necessary to avoid or minimize adverse environmental effects or property constraints. The minimum bikeway section would feature two 4-foot paved bicycle lanes and two 2-foot shoulders for a total of 12 feet (for the minimum section shoulders may be paved or unpaved). For example, the minimum 12-foot-wide section would occur near railroad signal houses.

Additional project features would include fencing on both sides of the bikeway (where necessary), landscaping, lighting, retaining walls at areas with steep slopes, brow ditches, and small structures to span across existing drainages and a bridge over Buena Creek. The project would install striping at roadway crossings. Pilings, bollards, or trailhead amenities would be installed to prevent motor vehicle access to the bikeway. There would be no landscaping in the County of San Diego. Lighting would only be provided where necessary in the County of San Diego.

**Potential Alignments for At-Grade Roadway Crossings**

The environmental analysis of this Subsequent MND considers two possible alignments for at-grade crossings of City and County roadways. One possible alignment would have the proposed project depart

the NCTD ROW at the City or County roadway, then run parallel with the roadway away from the railroad tracks to the nearest roadway intersection, at which the proposed project would cross the roadway. The proposed project would then run parallel with the roadway toward the railroad tracks, at which point it would re-enter NCTD ROW. Under this alignment, the proposed project would typically run along a 10-foot-wide sidewalk, which would operate as a multi-use path. The other possible alignment would cross the roadway directly, parallel to NCTD railroad tracks.

Actual alignments for each at-grade crossing of City and County roadways would be analyzed during final design and would be selected after coordination among SANDAG and local jurisdictions and in accordance with applicable federal, state, and local laws and regulations. Alignments may vary at different at-grade crossings.

**Potential Alignments through NCTD SPRINTER Stations**

Improvements associated with the bikeway may also occur at NCTD SPRINTER stations. The purpose of station improvements would be to promote safety for bicyclists and pedestrians traveling to and from the station platform. Improvements could include paving, striping, signage, and barriers (e.g., fencing). The final alignment and physical improvements, if any, at SPRINTER stations, would be determined through coordination of final design with NCTD.

**Construction Phasing**

The proposed project would likely be constructed in phases due to availability of funding. Each phase would terminate at a logical point such that each phase could be used independent of other phases. The proposed project would include the construction phases shown in Table 1 and Figure 4 (below).

**Table 1**
**Proposed Project Construction Phasing**

| Phase | Location | Estimated Construction Duration | |
|---|---|---|---|
| | | Start | End |
| 1 | Pacific Street in City San Marcos to Buena Creek Transit Station and the intersection of Buena Creek Road and Santa Fe Avenue in unincorporated County of San Diego | Fall 2014 | Fall 2015 |
| 2 | Buena Creek Road and Santa Fe Avenue in unincorporated County of San Diego to Mar Vista Drive in City of Vista | Fall 2015 | Fall 2016 |
| 3 | Mar Vista Drive to Civic Center Transit Station at Civic Center Drive in City of Vista | Fall 2016 | Fall 2017 |
| 4 | Civic Center Drive to Vista Village Drive | Fall 2017 | Fall 2018 |
| 5 | Vista Village Transit Station to North Melrose Drive in City of Oceanside | Fall 2018 | Fall 2019 |

Phase 1 construction is anticipated to begin in Fall 2014. SANDAG anticipates that construction of subsequent phases would begin annually thereafter until completion of all five phases in 2019. Individual construction phases may be combined or begin sooner than described above depending on the timing and amount of available funding.

The environmental impact analysis of this Subsequent MND conservatively assumes that construction of all phases would occur simultaneously. In the event that construction occurs in separate phases the environmental impacts identified in this analysis would be less than described herein. For example, air pollutant emissions would be lower if construction is phased because there would be less equipment use, vehicle operation, and ground disturbance occurring at any given time. Other environmental impacts, such as noise levels, would not be substantially affected by construction phasing because noise impacts are location-specific.

**Operation and Maintenance**

Upon construction completion by SANDAG, City of San Marcos, City of Vista, City of Oceanside, and County of San Diego would be responsible for the operation and maintenance of the portion of the bikeway that is located within their respective jurisdiction (e.g., upon construction completion, City of Vista would enter into an agreement with SANDAG through which the City would assume responsibility for operation and maintenance of the portion of the bikeway located within the City of Vista's jurisdiction). Portions of the project within NCTD ROW would continue to be owned by NCTD.

# SANDAG Discretionary Actions

- Adopt the December 1999 Final Mitigated Negative Declaration for the Oceanside-Escondido Bikeway Project prepared by the City of San Marcos,
- Adopt the Final Initial Study/Subsequent Mitigated Negative Declaration for the proposed project,
- Approve the alignment for the proposed project,
- Direct staff to proceed with final design and construction.

# Other Agency Permits and Approvals

- Clean Water Act Section 404 authorization (Nationwide Permit 14) from the United States Army Corps of Engineers,
- Section 401 Water Quality Certification from the San Diego Regional Water Quality Control Board,
- National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order No. 2009-009-DWQ) from the State Water Resources Control Board, and
- Fish and Game Code Section 1602 Streambed Alteration Agreement from CDFW.
- California Public Utilities Commission Approval of an Easement Transfer from San Diego Gas & Electric Company to the City of Vista, under California Public Utilities Code §851.

- Section 7 Endangered Species Act Consultation, Biological Opinion, Incidental Take Statement from the U.S. Fish and Wildlife Service.
- Section 2081 California Endangered Species Act Incidental Take Permit from the California Department of Fish and Wildlife.
- Authorization through the GO 88-B process or approval of a Formal Application from the California Public Utilities Commission.
- Amendment of the City of Vista Municipal Code (§10.68.100) would be required in order to allow portions of the proposed project to use existing sidewalks in the City of Vista.

# Summary of Prior CEQA Documentation

The Final MND was adopted by the City of San Marcos as the lead CEQA agency in 1999 pursuant to Section 15070(a) of the CEQA Guidelines. The Final MND concluded that the Oceanside-Escondido Bikeway Project would not have any significant adverse effects on the environment with the implementation of mitigation measures. Potentially significant impacts were identified in the Final MND with respect to: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Implementation of the mitigation measures identified in the Final MND would ensure that these effects remain below a level of significance. The Final MND identified that all other environmental topical areas were determined to have a less than significant impact or no impact as a result of the Oceanside-Escondido Bikeway Project.

# Proposed Modifications to the Inland Rail Trail Project and Final MND

SANDAG proposes to design and construct the proposed project with minimal changes to the project description as described in the Final MND. One potential change would be the alignment of the proposed project where it crosses roadway at-grade. Each at-grade roadway crossing would have one of two possible alignments as described in the Project Description under Potential Alignments for At-Grade Roadway Crossings.

Other changes in the project description were necessary due to changes in the built and physical environment in the project area, such as construction of the SPRINTER. For example, in some areas the SPRINTER railroad tracks or ancillary features (like drainages) were built where the proposed project would have been located per the Final MND.

Changes to the regulatory setting and physical environment in which the proposed project would take place have occurred since adoption of the Final MND. These changes include adoption of the Multiple Habitat Conservation Program (MHCP), a comprehensive, multiple jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County, and the establishment by the United States Fish and Wildlife Service (USFWS) of designated Critical Habitat for thread-leaved brodiaea (*Brodiaea filifolia*), a federally Threatened, State Endangered and CNPS list 1B.1 species. Notable changes have occurred in the regulatory setting for greenhouse gas emissions and climate change and forestry resources since adoption of the Final MND. However, information related to greenhouse gas emissions, climate change, and forestry resources was available and could have been known with the exercise of reasonable diligence at the time the Final MND was adopted. The cities of

San Marcos and Vista and the County of San Diego have adopted general plan updates and the SPRINTER (e.g., railroad track, stations, and ancillary infrastructure such as stormwater improvements) has been constructed and is operational.

There are no substantial changes with respect to the circumstances under which the project would be undertaken or new information that could not have been known with the exercise of reasonable diligence that would result in new significant environmental effects in other environmental topical areas or a substantial increase in the severity of previously identified significant effects.

Potentially significant impacts were identified in the Final MND with respect to: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Implementation of the mitigation measures identified in the Final MND would reduce these potentially significant impacts to below a level of significance. The Final MND identified that all other environmental topical areas were determined to have a less than significant impact or no impact as a result of the project.

This Subsequent MND identifies potentially significant effects to the environment for: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Potentially significant impacts that were not previously discussed in the Final MND have been identified for Biological Resources and Cultural Resources. Implementation of applicable mitigation measures identified in the Final MND (for Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise) and new mitigation measures identified in this Subsequent MND (for Biological Resources and Cultural Resources) would ensure that potentially significant effects of the proposed project remain less than significant. Mitigation measures from the Final MND related to coastal California gnatcatcher (Biological Resources), tree removal in the City of Escondido (Biological Resources), and providing a cultural resources monitor during all excavation work (Cultural Resources) would not be applied to the proposed project because the proposed project would not result in potentially significant effects related to these issues. Further, construction of the NCTD SPRINTER Rail facility permanently destroyed some of the disturbed wetland habitat that occurred in the bikeway project area. As such, the proposed project's impacts to Waters of the U.S. and wetlands would be less than was previously identified in the Final MND. None of the environmental impacts of the proposed project would be significant with inclusion of the proposed mitigation measures. Mitigation measures within the Final MND were not numbered, however in the Subsequent MND mitigation measures have been numbered for increased clarity.

The proposed project modifications, including changes in the regulatory setting and physical environment and the availability of new information, would not result in any new significant impacts or substantially more severe significant impacts in these topical areas when compared to the Final MND, as described in the following section.

# Determination of Appropriate CEQA Document for the Proposed Modifications

Proposed modifications to the Inland Rail Trail Project, changes in circumstances, the availability of new information, and the requirement for further discretionary approval since adoption of the Final MND require that SANDAG, as the new CEQA lead agency, make a determination regarding whether to

prepare further documentation, if any, under CEQA. As described below, SANDAG has determined that preparation of a Subsequent MND is required by CEQA prior to taking an action on the proposed project due to the change in CEQA lead agency, the minimal modifications to the project description, changes to the physical and regulatory environment under which project implementation would occur, and changes to environmental impacts and mitigation measures as described in the Final MND. Prior to taking any action on or making any findings related to this Subsequent MND, SANDAG would be required to adopt the Final MND prepared by the City of San Marcos in 1999.

There are no substantial changes with respect to the circumstances under which the project would be undertaken or new information that could not have been known with the exercise of reasonable diligence that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. While the changes in circumstances and new information would result in one or more new environmental effects not discussed in the Final MND, none of the new effects would be considered significant with the implementation of mitigation measures.

The proposed project would cause new potentially significant impacts to the environment that were not identified in the Final MND, but all of these potential impacts would be less than significant with the inclusion of mitigation measures. Based on the analysis provided in the Initial Study checklist attached to this Subsequent MND, the proposed project would not result in any new significant environmental effects that were not identified in the Final MND nor would the proposed project result in a substantial increase in the severity of any previously identified significant environmental effects discussed in the Final MND.

None of the changes described above or any other included herein constitute substantial evidence that preparation of a subsequent EIR is required for the proposed project pursuant to State CEQA Guidelines Section 15162. There are no substantial changes to the proposed project, substantial changes to the circumstances under which the proposed project would be undertaken, or 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 Final MND was adopted, that could result in any of the following:

- new significant environmental effects not identified in the Final MND,
- a substantial increase in the severity of significant effects identified in the Final MND,
- mitigation measures or alternatives previously found not to be feasible in the Final MND that would in fact be feasible, and would substantially reduce one or more significant effects on the environment, but SANDAG declines to adopt the mitigation measure or alternative, or
- mitigation measures or alternatives that are considerably different from those analyzed in the Final MND would substantially reduce one or more significant effects on the environment, but SANDAG declines to adopt the mitigation measure or alternative.

# Proposed Finding

SANDAG has determined that a Subsequent MND is the appropriate CEQA documentation for the proposed project. A Subsequent MND is appropriate because the project would cause new potentially significant impacts to the environment that were not addressed in the Final MND, but all of those potential impacts would remain less than significant level with the implementation of mitigation measures. A Subsequent MND also is appropriate because there have been minor modifications to the

project description, changes in the regulatory and physical setting, and a change in the CEQA lead agency since adoption of the Final MND. Based on the analysis in this Subsequent MND and the attached Initial Study checklist, the proposed project would not result in any significant environmental effects.

Potentially significant impacts were identified in the Final MND with respect to: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Implementation of the mitigation measures identified in the Final MND as part of the proposed project would ensure these potentially significant impacts remain below a level of significance for the proposed project. These mitigation measures, as applicable, would continue to be part of the approved project proposal and would be incorporated into the project design, as modified. The Final MND identified that all other environmental topical areas were determined to have a less than significant impact or no impact as a result of the project.

The Subsequent MND has reevaluated each environmental resource and identified new potentially significant effects to the environment that were not previously discussed in the Final MND in regards to biological resources and changes in the mitigation measure required to ensure that cultural resources impacts remain less than significant. Implementation of mitigation measures identified below in the Initial Study checklist would ensure these potentially significant impacts remain below a level of significance for the proposed project. No mitigation measures or evaluated alternatives were previously found to be infeasible in the Final MND. There are no mitigation measures or alternatives that would substantially reduce significant effects to the environment that SANDAG, the project proponent, declines to adopt.

# Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less Than Significant Impact With Mitigation Incorporated." Please see the CEQA environmental checklist for supporting information.

| | | | | | |
|---|---|---|---|---|---|
| ☐ | Aesthetics | ☐ | Agriculture and Forestry | ☐ | Air Quality |
| ☒ | Biological Resources | ☒ | Cultural Resources | ☐ | Geology/Soils |
| ☐ | Greenhouse Gas Emissions | ☒ | Hazards and Hazardous Materials | ☒ | Hydrology/Water Quality |
| ☐ | Land Use/Planning | ☐ | Mineral Resources | ☒ | Noise |
| ☐ | Population/Housing | ☐ | Public Services | ☐ | Recreation |
| ☐ | Transportation/Traffic | ☐ | Utilities/Service Systems | ☒ | Mandatory Findings of Significance |

## Determination

On the basis of the initial evaluation that follows:

| | |
|---|---|
| ☐ | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| ☒ | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| ☐ | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. |
| ☐ | I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. |
| ☐ | I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required |

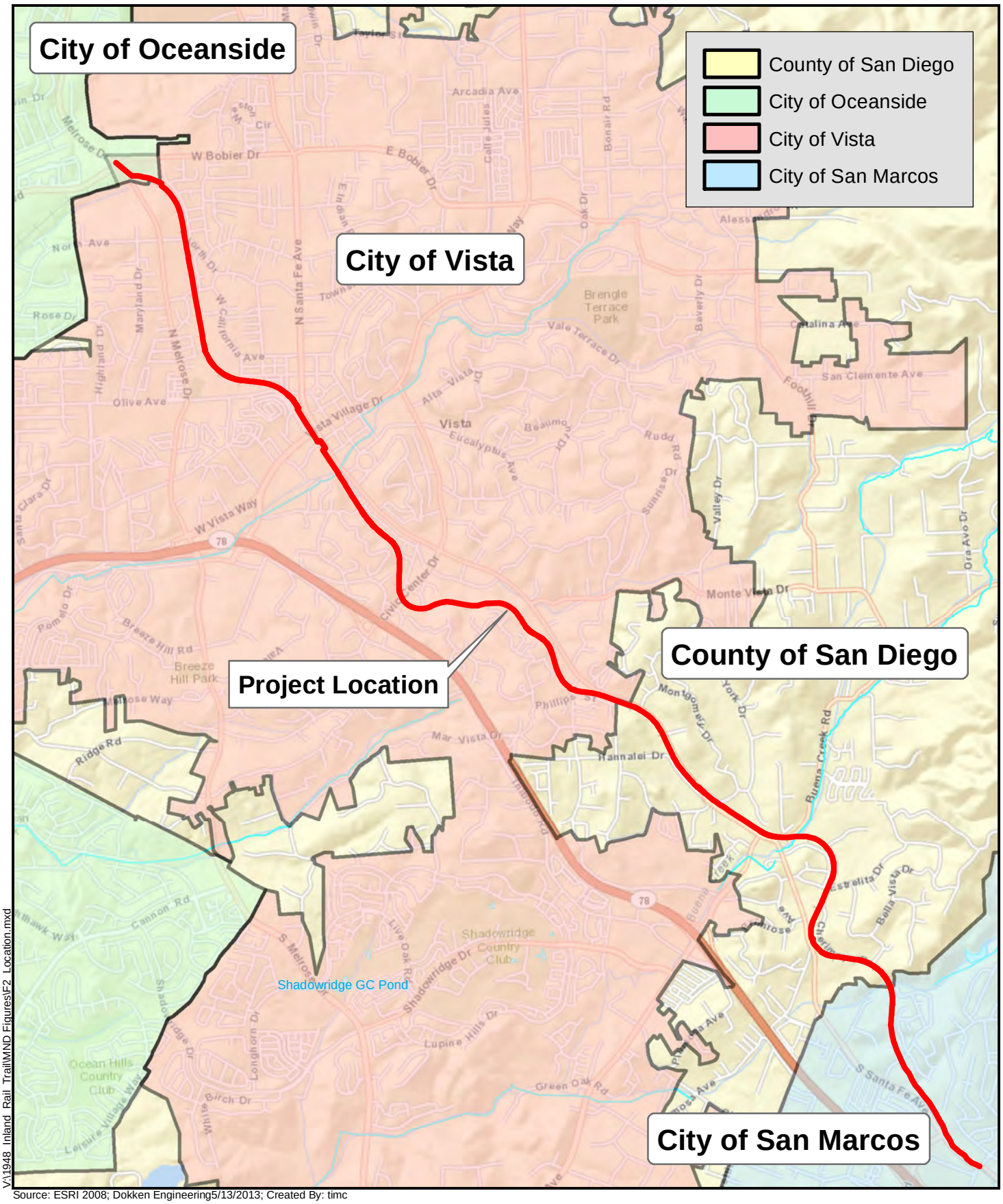
| | |
|---|---|
| **Signature:** | **Date:** 7-16-13 |
| **Printed Name:** **Rob Rundle, Principal Regional Planner** | **For:** **San Diego Association of Governments** |


V:\1948 Inland Rail Trail\MND Figures\F1 Vicinity.mxd

Source: ESRI 2008; Dokken Engineering4/1/2013; Created By: timc

0 5 10 Miles

**FIGURE 1**
**Project Vicinity**
Inland Rail Trail Project




Source: ESRI 2008; Dokken Engineering5/13/2013; Created By: timc

VA1948 Inland Rail TrailMND Figures\F2_Location.mxd

**FIGURE 2**
**Project Location**
Inland Rail Trail Project

0 0.55 1.1 Miles

Project Area (area including potential temporary and permanent impacts)

Page 2
Page 3
Page 4
Page 5
Page 6
Page 7
Page 8
Page 9
Page 10
Page 11
Page 12
Page 13
Page 14

V:\1948 Inland Rail Trail\Project Area Figure\F3pg1 Project Area.mxd

Source: BING Maps Online; Dokken Engineering 12/6/2012; Created By: carleneg

0 0.5 1 1.5 2 2.5 Miles

**FIGURE 3**
**Page 1 of 14**
**Project Area**
Inland Rail Trail Project

Project Area
Proposed Trail Alignment
Parcels

Melrose Dr
Oceanside Blvd
W Bobier Dr
Catalina Circle
Marabou Ln
Moa Dr
N Melrose Dr
Ricebird Dr

**Match Line - See Page 3**

Source: BING Maps Online; Dokken Engineering 12/6/2012; Created By: carleneg

V:\1948 Inland Rail Trail\Project Area Figure\F3pg2 Project Area.mxd

0 200 400 600 800 1,000 Feet

**FIGURE 3**
**Page 2 of 14**
**Project Area**
Inland Rail Trail Project

Project Area
Proposed Trail Alignment
Parcels

Match Line - See Page 2

Match Line - See Page 4

Woodrail Dr
Jennifer Circle
Bobolink Dr
North Dr
W California Ave
Calle Elegante
Toucan Dr
Starling Dr
Blackbird Dr
Waxwing Dr
Swallow Dr
W Los Angeles Dr
Melrose Pl
Melrose Pl
Casa Real Ct
N Melrose Dr
North Ave
N Melrose Dr
Bach St

V:\1948 Inland Rail Trail\Project Area Figure\F3pg3 Project Area.mxd

Source: BING Maps Online; Dokken Engineering 12/6/2012; Created By: carleneg

0 200 400 600 800 1,000 Feet

**FIGURE 3**
**Page 3 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 3

Project Area
Proposed Trail Alignment
Parcels

Match Line - See Page 5

Source: BING Maps Online; Dokken Engineering 3/28/2013; Created By: timc

0 200 400 600 800 1,000 Feet

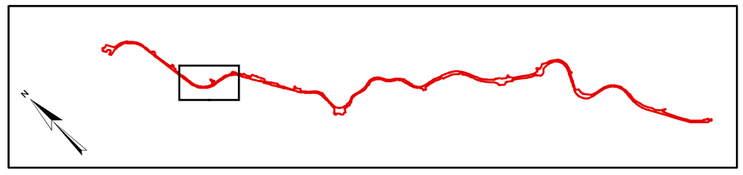
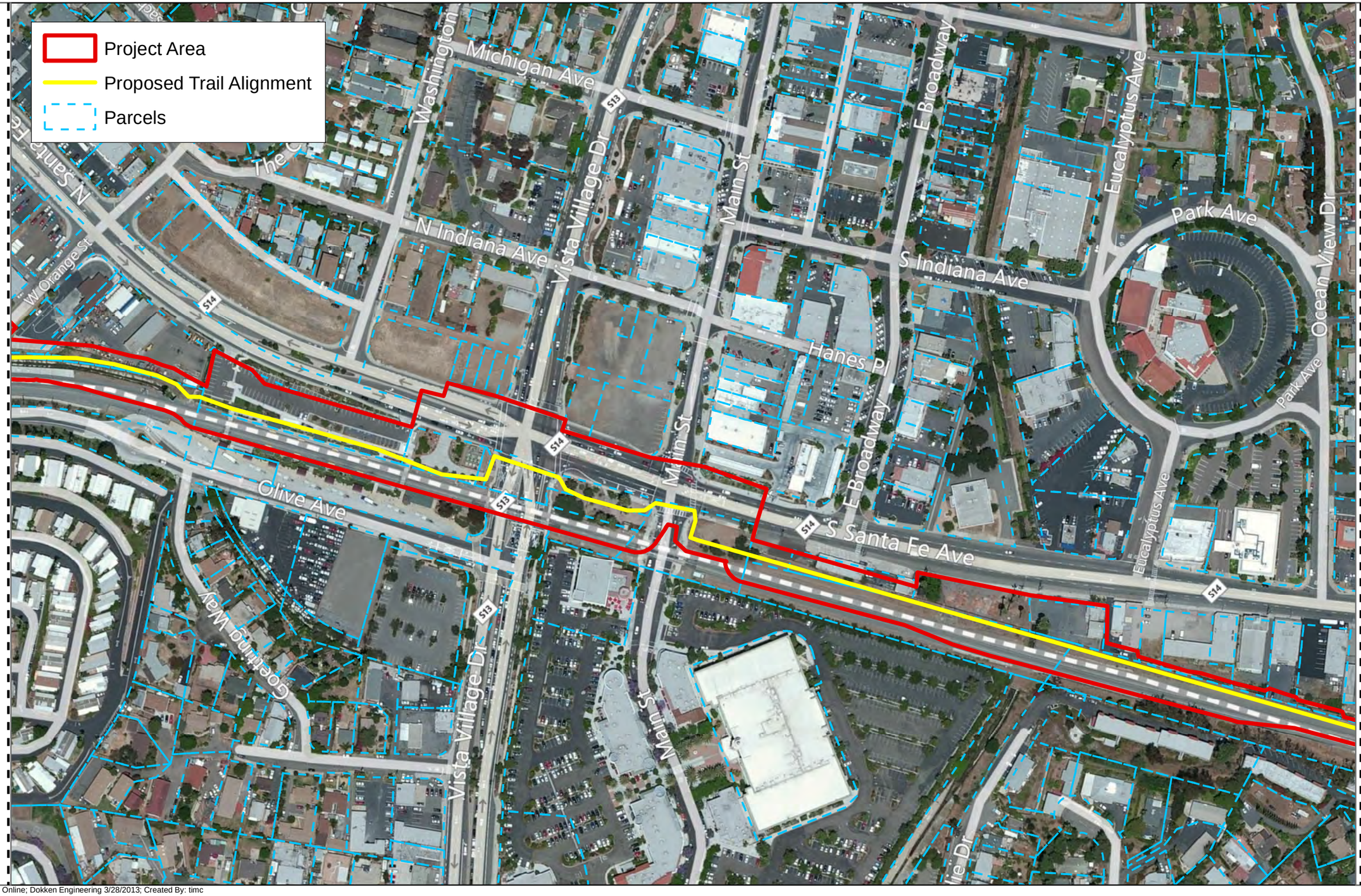


**FIGURE 3**
**Page 4 of 14**
**Project Area**
Inland Rail Trail Project

V:\11948 Inland Rail Trail\Project Area Figure\F3pg4 Project Area.mxd

Match Line - See Page 4




Match Line - See Page 6

Source: BING Maps Online; Dokken Engineering 3/28/2013; Created By: timc

0 200 400 600 800 1,000 Feet

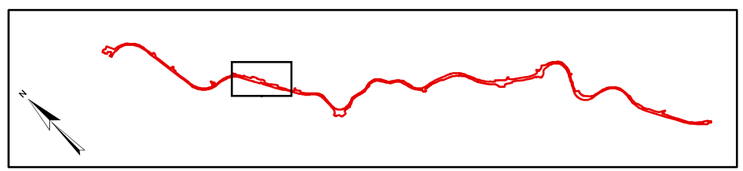


**FIGURE 3**
**Page 5 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 5


Match Line - See Page 7

V:\1948 Inland Rail Trail\Project Area Figure\F3pg6 Project Area.mxd

Source: BING Maps Online; Dokken Engineering 5/21/2013; Created By: timc

0 200 400 600 800 1,000 Feet

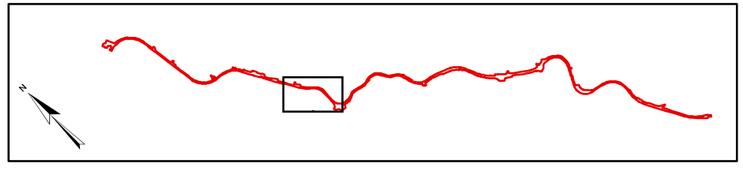
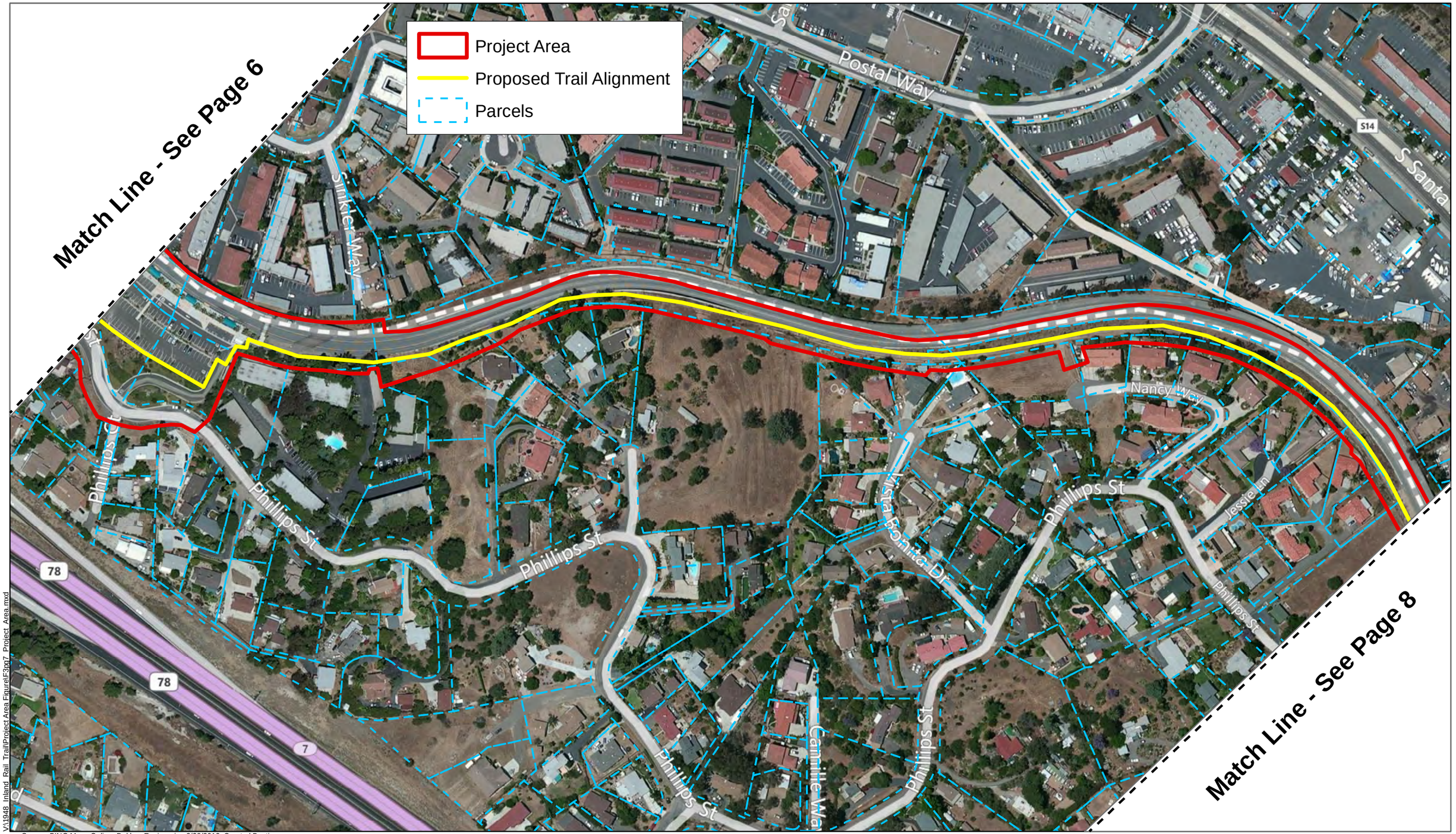


**FIGURE 3**
**Page 6 of 14**
**Project Area**
Inland Rail Trail Project




V:\1948 Inland Rail Trail\Project Area Figure\EF3pg7_Project Area.mxd

Source: BING Maps Online; Dokken Engineering 3/28/2013; Created By: timc

0 200 400 600 800 1,000 Feet

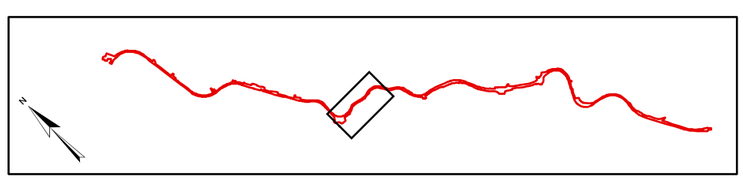


**FIGURE 3**
**Page 7 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 7

Match Line - See Page 9

Project Area

Proposed Trail Alignment

Parcels

S Santa Fe Ave

Service Pl

Cypress Dr

Glenview Ln

Morning Glory Pl

Morning Glory Ln

Morning Glory Terrace

Cypress Ct

Mar Vista Dr

Kilby Ln

Phillips St

Sandra Circle

Alta Ln

Zembel Ct

Hawthorn

Valdez Ln

Source: BING Maps Online; Dokken Engineering 12/6/2012; Created By: carleneg

V:\1948 Inland Rail Trail\Project Area Figure\F3pg8 Project Area.mxd

0 200 400 600 800 1,000 Feet

**FIGURE 3**
**Page 8 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 8


Match Line - See Page 10

V:\1948 Inland Rail Trail\Project Area Figure\F3pg9 Project Area.mxd

Source: BING Maps Online; Dokken Engineering 12/6/2012; Created By: carleneg

0 200 400 600 800 1,000 Feet

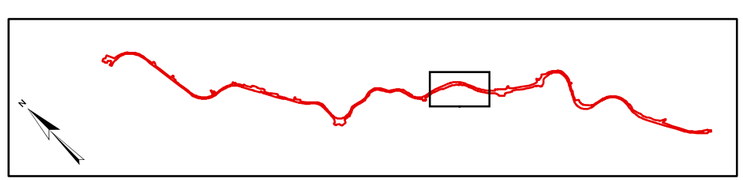


**FIGURE 3**
**Page 9 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 9

Match Line - See Page 11

Project Area
Proposed Trail Alignment
Parcels

Montgomery Dr
York Dr
Devon Pl
S Santa Fe Ave
S14
York Dr
S Santa Fe Ave
S14
S Santa Fe Ave
S14
Hannafer Dr
Woodland Dr
Evvia Ct
Anna Ln
Northbrook Ct
El Copa Ln
Roberti Dr

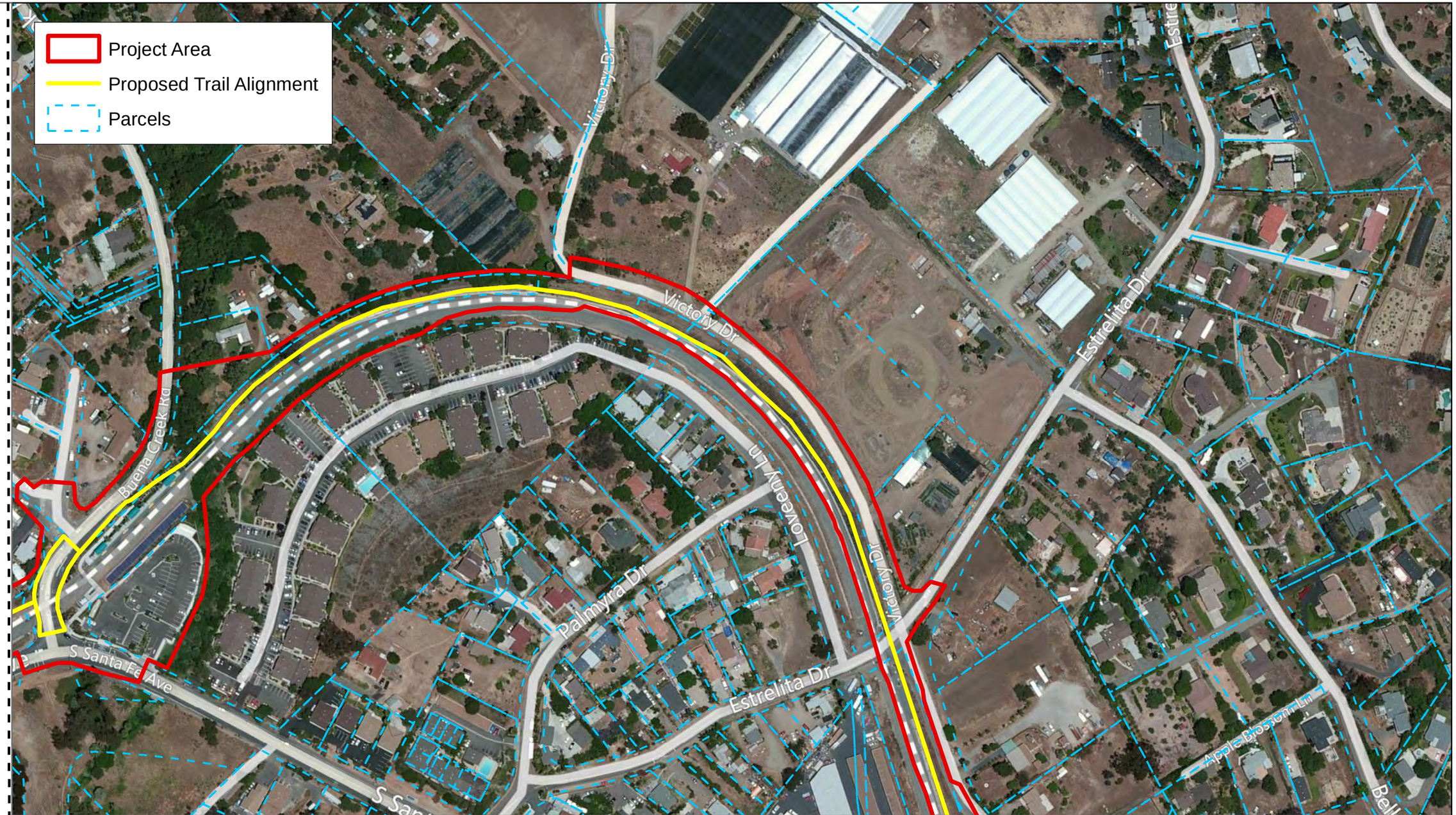
V:\1948_Inland_Rail_Trail\Project Area Figure\F3pg10_Project_Area.mxd

Source: BING Maps Online; Dokken Engineering 12/6/2012; Created By: carleneg

0 200 400 600 800 1,000 Feet

**FIGURE 3**
**Page 10 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 10




Match Line - See Page 12

V:\1948_Inland_Rail_Trail\Project Area Figure\F3pp11_Project_Area.mxd

Source: BING Maps Online; Dokken Engineering 3/28/2013; Created By: timc

0 200 400 600 800 1,000 Feet

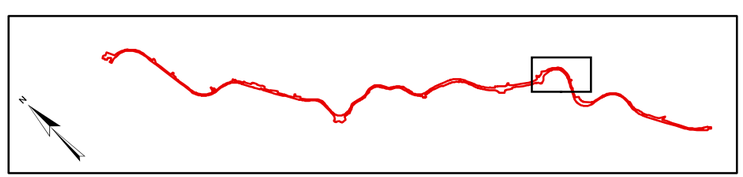


**FIGURE 3**
**Page 11 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 11


Match Line - See Page 13

V:\1948 Inland Rail Trail\Project Area Figure\F3pg12 Project Area.mxd

Source: BING Maps Online; Dokken Engineering 5/23/2013; Created By: timc

0 200 400 600 800 1,000 Feet

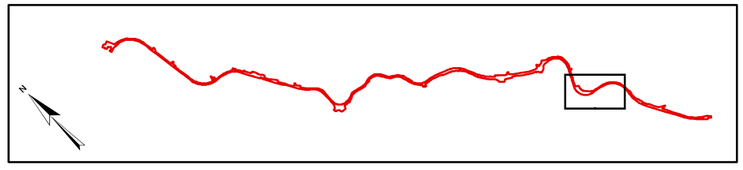
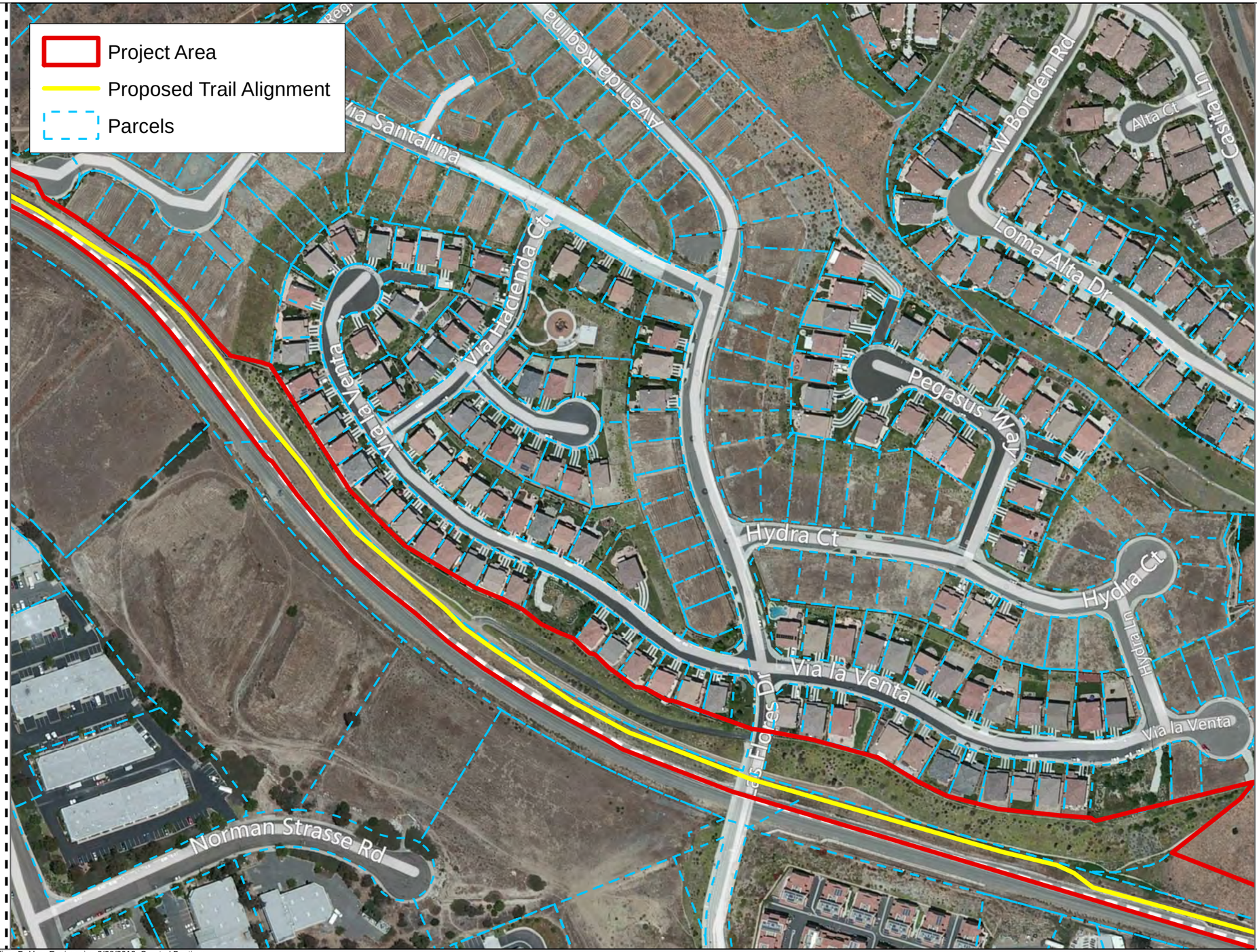


**FIGURE 3**
**Page 12 of 14**
**Project Area**
Inland Rail Trail Project

Match Line - See Page 12




Match Line - See Page 14

V:\1948 Inland Rail Trail\Project Area Figure\F3pg13 Project Area.mxd

Source: BING Maps Online; Dokken Engineering 3/28/2013; Created By: timc

0 200 400 600 800 1,000 Feet

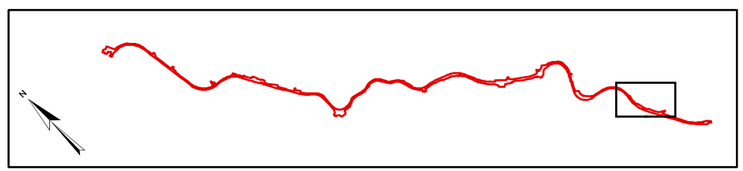


**FIGURE 3**
**Page 13 of 14**
**Project Area**
Inland Rail Trail Project

Project Area

Proposed Trail Alignment

Parcels

Saddlehorn Dr

Concha Ln

Pommel Way

Silver Spur Way

N Pacific St

Palmarcos Ave

Palmarcos St

Loma Alta Dr

Santa Fe Ave

S Santa Fe Ave

W Mission Rd

Mission Rd

S14

S10

N Rancho Santa Fe Rd

Capalina Rd

Barranca Rd

Hollencrest Rd

De Leone Rd

Atlantic St

Balboa St

**Match Line - See Page 13**

V:\1948_Inland_Rail_Trail\Project Area Figure\F3pg14_Project_Area.mxd

Source: BING Maps Online; Dokken Engineering 5/23/2013; Created By: timc

0 200 400 600 800 1,000 Feet

**FIGURE 3**
**Page 14 of 14**
**Project Area**
Inland Rail Trail Project

Oceanside
Vista
Carlsbad
San Marcos
Escondido
Unincorporated County
Unincorporated County
Future Phase
(final alignment yet
to be determined)
Current Project Phases
Completed Phase
76
78
78
78
78
5
15
15

SPRINTER Railroad Stations
Prior Phase Already Constructed
Construction Phase 1
Construction Phase 2
Construction Phase 3
Construction Phase 4
Construction Phase 5
Future Design and Construction Phase
City/County Boundaries

V:\1948 Inland Rail Trail\MND Figures\F4 Project Phasing.mxd

Source: ESRI 2008; Dokken Engineering 5/23/2013; Created By: timc

N

0 1 2 3 4 5 Miles

**FIGURE 4**
**Construction Phasing**
Inland Rail Trail Project

# CEQA Environmental Checklist

Potentially significant impacts were identified for the Oceanside-Escondido Bikeway Project in the Final MND with respect to: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Mitigation measures identified in the Final MND would ensure these potentially significant effects remain less than significant. The Final MND identified less than significant impacts or no impacts for all other environmental topical areas.

This Initial Study checklist identifies the following potentially significant effects for the proposed project: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Potentially significant impacts that were not previously discussed in the Final MND have been identified for Biological Resources and Cultural Resources. Implementation of applicable mitigation measures from the Final MND and new mitigation measures identified in this Subsequent MND and Initial Study checklist would ensure all potentially significant impacts remain below a level of significance. As documented in this Initial Study, the proposed project would not result in any new significant effects or a substantial increase in the severity of any previously identified significant effects.

The following significance thresholds for each environmental topical area are from Appendix G of the CEQA Guidelines.

| **I. Aesthetics**<br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☒ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ |

There are no substantial changes in the proposed project or new information of substantial importance since the Final MND, that would result in any new significant environmental effects or substantial increases in the severity of previously identified significant effects related to aesthetics. As described below, the proposed project would have less than significant impacts to aesthetics, which is consistent with the Final MND. Therefore, the proposed project would not result in any new potentially significant aesthetic effects that were not identified in the Final MND or a substantial increase in the severity of any previously identified significant aesthetic effects.

Since the Final MND was prepared in 1999, the NCTD SPRINTER Rail facility has been built and is now operating adjacent to the proposed project. This is a major change in the visual environment for this area and provides a new viewer group (train passengers) who could view the proposed project. For these reasons, a new Visual Impact Assessment (VIA) was prepared in January 2013 to evaluate the potential impacts the proposed project could have on visual and aesthetic resources. The VIA found that the construction and operation of the proposed project would not substantially impair or degrade visual character or quality of the project site or surrounding area.

In nearly all locations, the proposed bikeway would constitute a marginal change to the existing visual environment. The locations where the bikeway would be located are developed primarily with transportation features (e.g., rail lines, train stations, storm drains). In two locations between the Civic Center SPRINTER Station and Hannalei Drive, land within back yards of adjacent privately owned residential properties may be needed to accommodate construction of the proposed bikeway. These partial acquisitions would range from a 2 to 20 foot strip of land adjacent to the NCTD ROW (see Project Description for further details of potential private property acquisition). Visual changes caused by acquisition of residential property would not cause a substantial change for any viewer groups and would not adversely affect existing visual character or quality.

Views toward NCTD ROW from residences on which property acquisition could occur would not change substantially. Views would continue to consist of fencing along the ROW, with fences being relocated marginally closer to residences relative to the existing condition. As such, the project would not represent a substantial adverse change to existing visual character or the quality of the site and its surroundings.

The primary viewer group is SPRINTER passengers. Their views of any one part of the project would be brief due to the speed of the train, but since the project generally parallels the railroad for approximately seven miles, the passengers would have relatively longer views of the project as a whole. The transitory experience of such views diminishes the sensitivity of the viewer. The project would be constructed primarily within SPRINTER railroad right-of-way and would be replacing areas that currently consist of gravel, compacted dirt, and sparse disturbed vegetation. As a result, it is expected that views would slightly improve for this primary viewer group. Existing condition photographs and visual simulations of the proposed bikeway are included in Appendix B.

a-b) **No Impact:** No National Scenic Byways are near the project vicinity. No views of National Scenic Byways, State Scenic Highways, County Scenic Highways or any scenic vistas would be affected by the proposed project. The project runs parallel with the NCTD railroad. The nearest National Scenic Byway is the Pacific Coast Highway (FHWA 2012), which at its nearest point to the project is over 7 miles to the west of the project. No officially designated or eligible State Scenic Highways are located in or adjacent to the project (Caltrans 2007). The City of San Marcos has designated State Route (SR) 78 as a view corridor and eligible as a State scenic highway, but views of the proposed project are not available from SR 78. Therefore, no impact to a scenic vista or state scenic highway would occur as a result of the proposed project.

c) **No Impact:** SPRINTER passengers would have a view of this proposed project for up to seven miles of their trip. The visual quality of their view improves at most locations with the addition of the proposed project. Implementation of the project over Buena Creek would slightly reduce vividness, intactness, and unity of the existing view for SPRINTER passengers due to the construction and permanent presence of a small structure over the creek. However, SPRINTER passengers would have a brief view of the small structure spanning the creek as the train passes through the area. Overall the visual quality would not be substantially lower at Buena Creek as a result of the proposed project and the visual impact level is still considered low for the entire project. The proposed project would not substantially degrade the existing visual character or the quality of the site and its surroundings.

Residents and commercial businesses located adjacent to the project would have long-term views of the new project features. In most locations, existing views would not change substantially because topography or other permanent barriers would impede views of the proposed project. In addition, all areas where residents and commercial businesses are located are developed and the project would not conflict with the existing landscape units.

Vehicle drivers and passengers on roads adjacent to or crossing the project would briefly experience a change in their viewshed. The duration of their view is extremely short and there would be no change in the landscape units being observed. The proposed bikeway would not degrade the existing visual character or quality of the site and its surroundings. The following features would be incorporated into the design of the proposed project to minimize adverse effects to visual character and quality of the site and its surrounding area:

Proposed Design Features for Aesthetics

- Any riparian and/or upland vegetation removal necessary in order to provide space for construction activities will be replaced. The planting palette and/or revegetation plan shall be developed in coordination with Caltrans, the City of San Marcos, City of Vista, City of Oceanside, and County of San Diego. Preference will be given towards native species. Species native to Buena Creek shall be used when revegetating Buena Creek.
- If night-time work or lighting is necessary, a lighting plan shall be developed that requires project lighting to be appropriately shielded. If required, the lighting plan shall be developed by the construction contractor and submitted to SANDAG for approval prior to commencement of any work involving lighting. The project's lighting design shall, where feasible, be consistent with the corresponding City or County lighting guidelines and standards, and it will be developed in coordination with City or County staff.
- Relevant design guidelines identified in City of Vista, City of San Marcos, City of Oceanside, and County of San Diego General Plans and ordinances would be incorporated into design of the proposed project where feasible, including but not limited to guidelines related to lighting, architecture, and signage. Lighting would comply with City of San Marcos, City of Vista, and County of San Diego's policies and regulations where feasible. Lighting shall be designed to minimize light pollution and glare.
- Fencing and walls will incorporate City of San Marcos, City of Vista, City of Oceanside, and County of San Diego's policies and regulations where feasible. Pursuant to City of Vista's LUCI Policy 6.6, perimeter walls within the City of Vista shall incorporate graffiti-resistant materials, construction techniques, or other techniques to minimize the potential for vandalism.
- For any slopes greater than 15 percent, the project shall be designed to minimize grading requirements by conforming to natural contours whenever feasible. Slopes shall be landscaped with natural vegetation to stabilize slopes, reduce erosion, and enhance visual appearance.
- Where feasible, SANDAG and the construction contractor shall preserve healthy mature trees (defined as trees equal to or larger than 15-inch circumference or approximately 5-inch diameter at breast height); where removal is necessary, trees shall be replaced at a ratio of 1:1 (this measure also is identified as mitigation measure BIO-17~~19~~ for biological resources).

d) **Less than Significant Impact:** While lighting would be incorporated into the project when feasible to promote safety and visibility, lighting fixtures would be low profile and would cast light downward to avoid spillage outside of the bikeway. The Final MND determined there would be no impact related to creating a substantial source of light or glare because there would be no implementation of objects known to cause substantial light or glare. Because the proposed project would use the type of lighting fixtures analyzed in the Final MND, the proposed project would not result in greater impacts related to lighting than were identified in the Final MND. The proposed project would not include features that would create substantial sources of glare. The proposed bikeway would have a less than significant impact in regards to light or glare, and therefore would have a less than significant impact to daytime and nighttime views in the area.

**Mitigation Measures**

The proposed project would not require any mitigation measures for aesthetics, which is consistent with the Final MND.

| **II. Agriculture and Forest Resources**<br><br>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previously identified significant effects related to agriculture or forest resources. As described below, the proposed project would have no impacts to agriculture resources, which is consistent with the Final MND. Forest resources were not analyzed in the Final MND and were not commonly analyzed in CEQA documents at the time the Final MND was prepared and adopted. Information about forestry resources could have been known with the exercise of reasonable diligence at the time the Final MND was adopted. However, the proposed project would not result in any significant effects related to forestry resources. Therefore, the new information related to forest resources would not result in a new potentially significant environmental effect that was not identified in the Final MND.

a-b) **No Impact**: The project is located predominately within the NCTD rail ROW. No portion of the project would disrupt existing farmland, this determination remains the same as the Final MND. There is no Williamson Act land within the proposed project area.

c-d) **No Impact:** There are no forest lands or timberlands (or lands zoned as such) in the project area. The project would not result in the loss of forest land or conversion of forest land to non-forest use.

e) **No Impact:** The existing environment is designated as Urban and Built-Up Land on maps prepared pursuant to the Farmland Mapping and Monitoring Program and does not include conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

**Mitigation Measures**

The proposed project would not require any mitigation measures for agriculture and forest resources, which is consistent with the Final MND.

| **III. Air Quality**<br><br>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☒ | ☐ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to air quality. As described below, the proposed project would have less than significant impacts to air quality, which is consistent with the Final MND. Therefore, the proposed project would not result in any new potentially significant air quality effects that were not identified in the Final MND or a substantial increase in the severity of any previously identified significant air quality effects.

a) **Less than Significant Impact:** Short-term impacts from construction activities would be primarily associated with exhaust from construction equipment (including carbon monoxide, reactive organic compounds [ROG], nitrogen oxides [$NO_X$], sulfur dioxide [$SO_2$], and the movement of earth particulate matter less than 10 microns in size [$PM_{10}$]). Due to the short time period necessary for construction of the bikeway, and the relatively simple construction methods needed to carry out construction of the bikeway, it is anticipated that any construction generated air pollution would be minimal. Therefore, the project would not interfere with implementation of the regional air quality management plan.

During long-term operation, the proposed project would have a beneficial impact on local and regional air quality. As described in the SANDAG 2050 Regional Transportation Plan/Sustainable Communities Strategy (2050 RTP/SCS), bicycle improvements are part of an adopted regional strategy to achieve per-

capita greenhouse gas emissions from on-road transportation sources by decreasing the number of vehicle trips and vehicle miles traveled. GHG reduction strategies, such as the proposed project, would achieve concomitant reductions in air pollutant emissions from on-road transportation sources. The implementation of the proposed project would represent a positive impact on long-term air quality. Therefore, impacts are considered less than significant.

b) **Less Than Significant Impact**: The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. As indicated in response (a) because of the short time period for and temporary nature of construction of the bikeway, and the relatively simple construction methods needed to carry out construction of the bikeway, it is anticipated that any construction generated air pollution would be minimal. Therefore, minimal air pollution generated during construction would not violate any air quality standard or contribute substantially to an existing violation.

As discussed under (a), the implementation of the bikeway would represent a positive impact on air quality over the long-term. Therefore, impacts are considered less than significant.

c) **Less than Significant Impact:** The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). As indicated in response (a) the short time period for and temporary nature of construction of the bikeway, and the relatively simple construction methods needed to carry out construction of the bikeway, it is anticipated that any construction generated air pollution would be minimal. As discussed under (a), over the long-term, implementation of the proposed project would have a beneficial impact on levels of criteria air pollutant emissions in the region. Therefore, impacts are considered less than significant.

d) **Less than Significant Impact:** The project is anticipated to cause short-term construction related emissions including the release of carbon monoxide, ROG, $NO_x$, $SO_2$, and $PM_{10}$. However, due to the temporary nature of project construction and relatively simple nature of construction methods, substantial pollutant concentrations would not occur during construction of the proposed project. Over the long-term, there is no potential for the bikeway to result in substantial concentrations of pollutants. Therefore, impacts are considered less than significant.

e) **No Impact:** No portion of the project would involve the introduction of objectionable odor producing entities or structure that could affect substantial numbers of people, therefore no impact would occur.

**Mitigation Measures**

The proposed project would not require any mitigation measures for air quality, which is consistent with the Final MND.

| **IV. Biological Resources**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☒ | ☐ | ☐ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☒ | ☐ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☒ | ☐ | ☐ |

The reevaluation of the physical and regulatory setting for biological resources in 2012 identified new information of substantial importance related to biological resources that was not identified in the Final MND. However, as documented below, none of the new information of substantial importance would result in any new significant effects to biological resources or substantial increases in the severity of any previously identified significant biological resources effects. The biological resources impacts of the proposed project would be less than significant with the implementation of mitigation measures. This proposed finding is consistent with the Final MND.

The following design features would be included in the design and construction specifications of the proposed project to minimize adverse effects to biological resources:

Proposed Design Features for Biological Resources

- Except for areas within 500 feet of thread-leaved brodiaea Critical Habitat and Buena Creek, landscaping shall utilize a native drought tolerant plant palette to the maximum extent practicable and shall not include species considered invasive by the California Invasive Plant Council (see mitigation measures BIO-2 and BIO-16~~17~~ for landscaping requirements within 500 feet of thread-leaved brodiaea Critical Habitat and Buena Creek, respectively).

- Except what is permitted to eradicate arundo, the contractor shall not apply rodenticides or herbicides in the project area during construction activities.

- The contractor shall dispose of all food-related trash in closed containers, and shall remove it from the project area each day during the construction period. Construction personnel shall not feed or otherwise attract wildlife to the project area.

- In the unlikely event a worker inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped, the Resident Engineer~~worker~~ shall immediately report the incident to the project biologist.

- Project-related vehicles and construction equipment shall be restricted to designated work areas by the Resident Engineer.

- If any wildlife is encountered during construction, said wildlife shall be allowed to leave the construction area unharmed.

- Prior to arrival at the project site and prior to leaving the project site, the construction contractor shall clean all construction equipment that may contain invasive plants or seeds to reduce the spreading of noxious weeds.

a) **Less than Significant with Mitigation Incorporated:** The Natural Environment Study (NES) prepared in December 2012 updates the environmental setting information provided in the 1996 Biological Resources Technical Report and Final MND and evaluates potential project impacts to biological resources. The Final MND also used the 1997 US Fish and Wildlife Service Biological Opinion and the 1999 Dudek & Associates Wetland Delineation and Impact Assessment to support the determination that the proposed project would have a less than significant impact with mitigation incorporated to sensitive habitat and special status species.

As described in the NES, literature research, surveys, and preliminary habitat assessments indicated a potential for 7 special status wildlife and plant species to occur within the project biological study area (BSA). The BSA, for the proposed project encompasses the temporary and permanent impact area plus an approximate 50-foot buffer.

Wildlife Species

The USFWS and CDFW lists coastal California gnatcatcher, least Bell's vireo, and Stephen's kangaroo rat as having the potential to occur in the vicinity of the proposed project~~.~~. Reconnaissance level and focused surveys and Habitat Assessments were conducted in 2012 for the state- and federally listed

coastal California gnatcatcher (*Polioptila californica californica*), least Bell's vireo (*Vireo bellii pusillus*) and Stephen's kangaroo rat (*Dipodomys stephensi*). No coastal California gnatcatcher, least Bell's vireo, or Stephen's kangaroo rat Critical Habitat occurs within the BSA.

Habitat aassessments determined no potentially suitable habitat for coastal California gnatcatcher, least Bell's vireo or Stephen's kangaroo rat occurs within the BSA. Therefore, mitigation measures for coastal California gnatcatcher from the Final MND would not be applied to the proposed project.

Plant Species

No special-status plant species were observed during focused botanical surveys and habitat assessments for special-status plant species conducted in 2012. However per the CNDDB, thread-leaved brodiaea (*Brodiaea filifolia*), a federally Threatened, State Endangered and CNPS list 1B.1 species and its Critical Habitat was shown to occur within the BSA. The designation as a federally Threatened Species occurred in 1998, and therefore could have been known when the Final MND was adopted. The USFWS Critical Habitat designation within the BSA did not occur until 2011, and therefore could not have been known when the Final MND was adopted.

Coordination with USFWS on October 17, 2012 clarified that all thread-leaved brodiaea Critical Habitat in the BSA occurs exclusively on private property; no thread-leaved brodiaea Critical Habitat occurs within the NCTD ROW or within project limits. Focused spring surveys of the proposed project limits for thread leaved brodiaea conducted in the 2012 blooming season were negative, as were surveys conducted for the SPRINTER rail project in blooming season of 2000. In order to further confirm the presence or absence of individual thread-leaved brodiaea plants in the project area, CDFW and USFWS requested that two additional focused blooming surveys be performed prior to the start of construction. These surveys were conducted by a qualified biologist on May 3 and May 21, 2013. Thread-leaved brodiaea plants were identified blooming in and adjacent to the project area with approximately 20 plants identified on parcel 217-663-36 and approximately 480 plants identified on parcel 219-114-13. Both of these parcels are located in the City of San Marcos just north of the terminus of the constructed portion of the trail. Both properties are vacant and are northeast of West Mission Road/South Santa Fe Ave (see Figure 3, page 14).

Based on a review of the preliminary plans, at least two (and possibly more) thread-leaved brodiaea plants on parcel 219-114-13 could be impacted during construction activities. Measures BIO-1 and BIO-~~8~~7 have been identified and incorporated into the project to ensure avoidance where feasible and transplantation of existing plants that would be impacted by the project. Thread-leaved brodiaea located in NCTD right-of-way requiring transplantation would be relocated outside of NCTD right-of-way. Formal consultation with USFWS under Section 7 of the Endangered Species Act and with CDFW under Fish and Game Code §2081 would occur prior to the start of construction. Mandatory consultation with these agencies would identify the mitigation required for impacts to the thread leaved brodiaea through the issuance of a Biological Opinion (USFWS) and a §2081 Incidental Take Permit (CDFW). Measures BIO-1 through BIO-~~8~~7 and any mitigation required by USFWS and CDFW would ensure that impacts to thread-leaved brodiaea are less than significant.

b) **Less than Significant with Mitigation Incorporated:**

The following riparian habitats and sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS are located in the County of San Diego at the portion of Buena Creek in the project area: southern willow riparian forest, freshwater marsh, and south coast live oak riparian forest.

**Southern Willow Riparian Forest**

Approximately 0.13 acres of southern willow riparian forest occurs in the BSA on the banks of the perennial Buena Creek in proximity to Buena Creek SPRINTER Station and within NCTD ROW. The southern willow riparian forest occurs within the project construction limits and a small amount (approximately 0.02 acre) of permanent impacts is anticipated as a result of the proposed project to accommodate the IRT Buena Creek crossing. The Final MND identified 0.17 acres of impact to southern willow scrub. Most of this habitat was disturbed or destroyed during development of the SPRINTER rail line and the area associated with Buena Creek has likely matured from southern willow scrub into the southern willow riparian forest which was observed in the 2012 surveys. Therefore, the 0.02 acres of impact associated with the proposed project is within the scope of the 0.17 acres of impact to southern willow scrub anticipated by the Final MND.

Impacts to southern willow scrub were previously mitigated by the City of San Marcos in 2001 for impacts anticipated for the full project alignment (see Appendix A). The City of San Marcos purchased 0.90 acre of credit for $108,000 from Caltrans' Pilgrim Creek Mitigation Bank on January 4, 2001 to mitigate for impacts to Waters of the United States including wetlands, as well as southern willow scrub and other riparian habitats that would be impacted by the Oceanside-Escondido Bikeway Project (City of San Marcos, 2013). Since mitigation for these impacts was completed by the City of San Marcos for this project, SANDAG anticipates that no additional mitigation would be required.

**Freshwater Marsh**

Although the Final MND identified numerous areas in the project area as "disturbed wetland habitat," construction of the NCTD SPRINTER Rail facility has substantially changed the physical environment by permanently destroying much of the disturbed wetland habitat. During the biological surveys that were conducted to update the assessment of this project's potential to impact biological resources (in 2012), the only location where freshwater marsh habitat was observed was in the immediate vicinity of Buena Creek. Less than 0.01 acre of permanent impact to freshwater marsh habitat is anticipated due to the new bridge over the creek. The proposed project would not affect any other disturbed or undisturbed wetland habitat. The Final MND identified approximately 0.50 acre of direct impacts to wetlands, including 0.05 acre of freshwater marsh.

Impacts to freshwater marsh were previously mitigated by the City of San Marcos in 2001 for impacts anticipated for the full project alignment (see Appendix A). The City of San Marcos purchased 0.90 acre of credit for $108,000 from Caltrans' Pilgrim Creek Mitigation Bank on January 4, 2001 to mitigate for impacts to Waters of the United States including wetlands, as well as southern willow scrub and other riparian habitats that would be impacted by the Oceanside-Escondido Bikeway Project (City of San Marcos, 2013). Since mitigation for these impacts was completed by the City of San Marcos, SANDAG anticipates that no additional mitigation would be required.

**South Coast Live Oak Riparian Forest**

Approximately 0.63 acres of south coast live oak riparian forest occurs in the BSA on the banks of the perennial Buena Creek, upstream of the project area and in proximity to Buena Creek SPRINTER Station. The south coast live oak riparian forest occurs within the project construction limits and approximately 0.02 acres of permanent impacts are anticipated to accommodate the Buena Creek crossing feature of the proposed project. Impacts to south coast live oak riparian forest were not previously identified in the Final MND; however, the implementation of mitigation measures BIO-~~8~~9, BIO-~~9~~10, BIO-10~~11~~ and BIO-14~~15~~ would ensure that potentially significant effects to south coast live oak riparian forest remain less than

significant. Therefore, the proposed project would not result in a new significant effect, or substantially increase the severity of a previously identified significant effect.

The proposed project would have a less than significant impact on riparian habitat at Buena Creek in the project area. The proposed project would not affect any other sensitive natural communities identified in local or regional plans, policies, and regulations, or by CDFW and USFWS with the following mitigation measures incorporated: BIO-8~~9~~ through BIO-14~~15~~. These measures are designed to protect the riparian habitat at Buena Creek in the project area. The measures include mitigation of and replanting riparian habitat (BIO-8~~9~~ and BIO-10~~11~~), installation of ESA fencing (BIO-9~~10~~), protection of wildlife species using the trail (BIO-11~~12~~ and 12~~13~~), minimization of lighting near riparian habitats (BIO-13~~14~~), and eradication of arundo infested areas (BIO-14~~15~~).

c) **Less than Significant with Mitigation Incorporated:** Potential wetlands and jurisdictional waters were assessed within the BSA on May 1 & 2 and June 29, 2012 to update information provided in the 1996 Biological Resources Technical Report and the Final MND. Although the Final MND identified numerous areas in the project area as "disturbed wetland habitat," construction of the NCTD SPRINTER Rail facility has substantially changed the physical environment by permanently destroying much of the disturbed wetland habitat. The Final MND identified approximately 0.50 acre of direct impacts to wetlands from the Oceanside-Escondido Bikeway Project.

Surveys identified two creeks (Buena Vista Creek and Buena Creek) and many potentially jurisdictional concrete lined drainages within the BSA. Buena Vista Creek where it crosses the project area just north of Eddie Drive, is a concrete lined channel originating from the base of the San Marcos Mountains and ultimately drains to Buena Vista Lagoon and the Pacific Ocean. Buena Creek, where it crosses the project area south of Buena Creek Road, is a natural, earthen bottomed channel originating from the base of the San Marcos Mountains and tributary to Agua Hedionda Creek and ultimately drains to Agua Hedionda Lagoon and the Pacific Ocean. During the 2012 biological surveys, the only location where freshwater marsh habitat (0.02 acre) was observed was in the immediate vicinity of Buena Creek. No National Wetlands Inventory wetlands are located within the BSA.

Evaluation of features for preliminary jurisdictional status was based on aerial photographs and field investigations for connectivity to known jurisdictional waters, the topography of the site in relation to the feature, presence or absence of aquatic vegetation, and likely source of flow (sheet flow, natural depression, creek channel etc.). Drainage ditch features which parallel the length of the project and appear to collect mid-slope water run-off from adjacent development and the NCTD rail are proposed non-jurisdictional unless they feed directly into a jurisdictional feature. Pending verification by the United States Army Corps of Engineers (USACE), all proposed jurisdictional waters are considered Waters of the U.S for purposes of this analysis.

The proposed project would result in permanent impacts to approximately 0.30 acre of Waters of the U.S as well as 0.10 acre of temporary impacts. This includes impacts to the Buena Creek and Buena Vista Creek channels as well as some adjacent drainage facilities. The 0.30 acre of waters of the U.S. also meets the criteria for waters of the State of California. Other than the Buena Creek and Buena Vista Creek, these water features were not identified in the Final MND; however, this change is due to updated guidance from USACE for identification of Waters of the U.S that did not exist when the Final MND was adopted. Less than 0.01 acre of permanent impact to freshwater marsh wetland habitat (part of the 0.30 acre of Waters of the U.S.) is anticipated due to the new bridge over the creek. Southern willow scrub in the project area has been either disturbed/destroyed by development of the SPRINTER rail, or it has matured into southern willow riparian habitat (at Buena Creek). The remaining areas of Waters of the U.S. are made up of concrete lined or natural lined drainages that feed directly into the Buena Creek or

Buena Vista Creek. These features were constructed along with the construction of the SPRINTER railroad, after the Final MND was drafted.

Impacts to both southern willow scrub and freshwater marsh habitats resulting from the Oceanside-Escondido Bikeway Project were mitigated by the City of San Marcos in 2001 (see Appendix A). The City of San Marcos purchased 0.90 acre of credit for $108,000 from Caltrans' Pilgrim Creek Mitigation Bank on January 4, 2001 to mitigate for impacts to Waters of the United States including wetlands, as well as southern willow scrub and other riparian habitats that would be impacted by the Oceanside-Escondido Bikeway Project (City of San Marcos, 2013). Since the impacts of the proposed project to these habitats are within the scope of impacts identified in the Final MND and mitigated by City of San Marcos, SANDAG anticipates that no additional mitigation would be required. For other waters of the U.S. and State, appropriate compensatory mitigation (if any) will be determined by the appropriate regulatory agency through the permitting process. This is described more fully in the paragraph below.
Prior to construction, regulatory permits shall be obtained from USACE, CDFW and Regional Water Quality Control Board (RWQCB) for impacts to waters of the U.S. and waters of the State of California. SANDAG would obtain coverage under Nationwide Permit 14 from the USACE pursuant to Section 404 of the Clean Water Act and obtain a Streambed Alteration Agreement from the CDFW pursuant to Section 1602 of the Fish and Game Code. In addition, SANDAG would obtain water quality certification from the San Diego Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act. Through this permitting process, USACE, CDFG, and RWQCB will determine appropriate best management practices and mitigation to offset impacts to Waters of the U.S. and Waters of the State. Best management practices and mitigation measures from both the permits and this Subsequent MND would ensure that impacts to Waters of the U.S. and State would not be significant and that such impacts would not be substantially more severe than significant impacts identified in the Final MND. See Mitigation Measure WQ-1.

The proposed project has been designed to minimize and avoid all temporary and permanent impacts to jurisdictional waters to the maximum extent practicable. Mitigation measures and best management practices that will be provided by USACE, CDFW, and RWQCB would prevent construction activities from having substantial adverse effects on federally protected wetlands as defined by Section 404 of the Clean Water Act.

d) **Less than Significant Impact with Mitigation Incorporated**: Although the Final MND found that the project would result in a Less than Significant Impact to migratory wildlife corridors, the updated biological surveys of the project area found that the Buena Creek (a natural creek) likely acts as a migration corridor for wildlife in the area. The Buena Creek provides linear access under the existing railway facility free from vehicular and human disturbance. The perennial water source matched with the adjacent riparian vegetation creates conditions for wildlife to move through the creek. Due to the developed nature of the BSA, the Buena Creek corridor is likely one of the few remaining natural migration corridors in the project vicinity. The project would place a bike bridge over Buena Creek. Any impacts to wildlife migration associated with project construction would be temporary. Construction over Buena Creek would not take place at night, the likely peak in wildlife usage for migration purposes. At completion of construction, usage of Buena Creek as a migration corridor would remain the same as the existing condition; as a result, the long-term operation of the project would not cause significant impacts to local wildlife movement. These temporary impacts were not considered significant in the Final MND. In order to ensure that temporary construction impacts to wildlife movement in Buena Creek remain less than significant for the proposed project, Measure BIO-16~~17~~ would be implemented during construction.

There is vegetation (trees and shrubs) located throughout the project area which could provide suitable nesting habitat for several migratory bird species. Most bird species are protected under the federal Migratory Bird Treaty Act (MBTA). SANDAG construction bid specifications require the contractor to

comply with all applicable regulatory requirements including the MBTA. Specifically, construction bid specifications will specify that all tree removals shall be performed during the non-breeding season (September 1 through February 15) to avoid direct impacts to nesting birds. If tree removals must occur during the breeding season, a preconstruction survey to detect active bird nests must be conducted by a qualified biologist. Therefore, with implementation of standard procedures for tree removal, significant impacts to nesting migratory bird species would not occur as a result of project construction.

The yellow warbler (*Dendroica petechial brewsteri*) is a California migrant typically breeding in riparian deciduous habitat with canopy. It is a CDFW Species of Special Concern and is determined to have a moderate chance of occurring within the project area, specifically at Buena Vista Creek. No yellow warbler or nests were observed in the project area during field surveys. Nevertheless, implementation of Measure BIO-16 would ensure that potential construction impacts, if any, to yellow warbler or nesting activity remain less than significant.

e) **Less than Significant Impact with Mitigation Incorporated:** As described below, the proposed project has been designed to protect biological resources consistent with the City of San Marcos General Plan, the City of Vista's 2011 General Plan, the San Diego County Code of Regulatory Ordinance, and San Diego County 2011 General Plan.

***City of San Marcos***

This project has been designed to be consistent with the City of San Marcos General Plan. The San Marcos General Plan was last updated in 2012 and aims to address the current and future needs of the City San Marcos. The General Plan identifies an overlapping of existing open space/preserved land use and General Plan open space land use north of Rancho Santa Fe within and adjacent to the project location. Impacts to biological resources would be avoided and minimized to the maximum extent practicable. Coordination with regulatory agencies including CDFW, USFWS, and USACE will be implemented to ensure that impacts to sensitive resources are minimized or mitigated for, as appropriate. With the implementation of project measures, permit conditions and project design, the project would be consistent with the following: Policy COS-1.1 Support the protection of biological resources, Policy COS-1.2 Maintain the biotic habitat value of riparian areas, habitat linkages and other sensitive biological habitats, Policy COS-2.1 Protect open space areas, and Policy COS-2.2 Limit the conversion of open space areas to urban uses.

The Final MND identified the City of San Marcos Ordinance Code Chapter 14.20, Article 1, which states that the removal of vegetation by a private party is considered a significant act when removed from publicly owned land or public right-of-way without obtaining a vegetation removal permit. The removal by the City or an agent acting on its behalf (in this case SANDAG) is permitted as a component of the project by the Planning Director and shall be done so in accordance with CEQA. Therefore, a separate vegetation removal permit is not required for the proposed project.

***City of Vista***

This project has been designed to be consistent with the City of Vista 2030 General Plan Update, Resource Conservation and Sustainability Element. Impacts to biological resources would be avoided and minimized to the maximum extent practicable. Coordination with regulatory agencies including CDFW, USFWS, and USACE will be implemented to ensure that impacts to sensitive resources are minimized or mitigated for, as appropriate. Implementation of the project, including proposed design features, would be consistent with the following: RCS Policy 4.1 Preserve protect and enhance water quality within the San Luis Rey and Carlsbad Hydrologic Units, RCS Policy 4.12 Alteration to existing channelized streams, RCS Policy 5.3 Preserve the integrity of riparian habitat areas creek corridors and other drainages, and RCS Policy 5.7 Avoid/minimize sensitive habitats.

***County of San Diego***

This project has been designed to be consistent with the San Diego County Code of Regulatory Ordinance, San Diego County 2011 General Plan, Conservation and Open Space Element and the 2011 North County Metropolitan Subregional Plan. Impacts to biological resources would be avoided and minimized to the maximum extent practicable. Coordination with regulatory agencies including CDFW, USFWS, RWQCB, and USACE would occur to ensure that impacts to sensitive resources are minimized or mitigated for, as required. With the implementation of project measures and project design, the project would be consistent with the following: General Plan COS-2.1 (Protection, Restoration and Enhancement), General Plan COS-2.2 (Habitat Protection through Site Design), General Plan COS-3.2 (Minimize Impacts of Development), Regulatory Ordinance Section 86.1 Endangered Species, and Regulatory Ordinance Section 86.6 Resource Protection Ordinance.

The proposed project would not be subject to Regulatory Code Section 86.5 Biological Mitigation Ordinance unless the North County Multiple Species Conservation Plan (MSCP) is approved prior to construction of the proposed project. Consistent with the draft MSCP, SANDAG will provide compensatory mitigation at a 1:1 ratio for potential significant effects of the proposed project to riparian forest habitat within unincorporated County of San Diego (see Measure BIO-8~~9~~). However, as described previously in this section, freshwater marsh impacts of the bikeway from Escondido to Oceanside were previously mitigated by the City of San Marcos in 2001 (also see Appendix A).

The proposed project would not conflict with any local policies protecting biological resources including tree preservation policies or ordinances. However, while healthy mature trees would be preserved where feasible as part of the proposed project, the proposed project may result in the removal of some existing mature trees. To ensure that potential biological resources impacts associated with removal of mature trees during construction remain less than significant, SANDAG shall replace removed trees at 1:1 ratio as required by mitigation measure BIO-17~~18~~.

f) **Less than Significant with Mitigation Incorporated:** See (e) above for discussion of the Draft North County MSCP. The proposed project would be consistent with SANDAG's 2003 MHCP, a comprehensive, multiple jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County. The MHCP was a draft document at the time the Final MND was adopted. The portions of the proposed project that would occur within the boundaries of the MHCP and would be subject to its provisions are the segments within the Cities of Vista and San Marcos. However, all impacts to sensitive habitat resources occur outside the MHCP boundaries and the project is located outside all MHCP special conservation areas or focused planning areas. Although the project occurs in proximity to a thread-leaved brodiaea "Critical Location", the project remains in conformance with the MHCP since it would avoid direct and indirect impacts to that Critical Habitat.

Non-native grassland is the only habitat to be adversely affected by the proposed project within the boundaries of the MHCP requiring special conditions. An approximate total of 3.6 acres permanent impacts are anticipated to fragmented and isolated patches of non-native grassland located within the boundaries of the MHCP. This is a potentially significant impact. Implementation of mitigation measure BIO-18~~19~~ would require SANDAG to mitigate for permanent non-native grassland impacts at a 0.5:1 ratio, which is consistent with the ratio identified in the 2003 MHCP. Implementation of mitigation measure BIO-18~~19~~ would ensure that potential impacts to non-native grassland remain less than significant. While the adoption of the MHCP and the potential for the proposed project to result in significant effects to non-native grassland constitutes new information of substantial importance not previously identified in the Final MND, the new information would not result in new significant effects or a substantial increase in the severity of previously identified significant effects with the implementation of mitigation measure BIO-18~~19~~.

**Mitigation Measures**

The following mitigation measures would ensure that potentially significant biological resources impacts are less than significant.

Thread-leaved Brodiaea

- BIO-1: Prior to initiating construction, the construction contractor shall install ESA fencing along the project limits to avoid encroachment into thread-leaved brodiaea Critical Habitat, and to avoid identified thread-leaved brodiaea specimens. During the construction period, the project biologist shall inspect the construction limits monthly adjacent to thread-leaved brodiaea Critical Habitat areas to ensure sensitive locations remain undisturbed.

- BIO-2: SANDAG shall ensure that within 500 feet of thread-leaved brodiaea Critical Habitat, any landscaping installed as part of the project shall consist of a biologist approved plant palette from native, locally adapted species. Any landscaping for the remainder of the project shall utilize a native drought tolerant plant palette to the maximum extent practicable and shall not include species considered invasive by the California Invasive Plant Council.

- BIO-3: All onsite unpaved roads and off-site unpaved access roads, land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities within 500 feet of thread-leaved Critical Habitat shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.~~Prior to construction, SANDAG shall conduct a minimum of 2 rare plant focused surveys for thread-leaved brodiaea in the project impact areas, adjacent to thread-leaved brodiaea Critical Habitat. Surveys shall be completed by the project biologist between May 1 and June 15. Surveys shall be conducted 2-3 weeks apart to capture variances in blooming.~~

- BIO-4: SANDAG shall conduct environmental awareness training prior to the onset of project work in proximity to thread-leaved brodiaea Critical Habitat for construction personnel discussing thread-leaved brodiaea and its Critical Habitat.

  ~~If thread-leaved brodiaea is found within the project area and cannot be feasibly avoided during construction, the project will then identify appropriate measures to minimize adverse effects to thread-leaved brodiaea and initiate Section 7 Consultation with USFWS and Section 2081 Consultation with CDFW. The following mitigation measures shall be implemented to reduce project effects to the species. Any additional measures required by CDFW or USFWS as a result of the consultation process would be implemented as necessary.~~

- ~~BIO-5: Should any sensitive plant species be found within the project area during preconstruction surveys, specimens shall be ESA fenced or relocated as determined by the project biologist or appropriate regulatory agency (USFWS and/or CDFW). All observed specimens shall be marked in the field with pin flags and their precise locations shall be recorded using a GPS. Pin flags shall be left in place until ESA installation/plant relocation occurs.~~

- BIO-~~6~~5: Where feasible, the construction contractor shall install ESA fencing with a minimum 2 foot setback of all thread-leaved brodiaea specimens prior to any ground disturbance or vegetation removal activities. The project biologist shall be present during the installation of thread-leaved brodiaea ESA fencing.

- BIO-~~7~~6: Where installation of a minimum 2 foot setback is not feasible, SANDAG and the project biologist shall coordinate relocation of thread-leaved brodiaea specimens to a conservation area located adjacent to the project area, or at another CDFW and USFWS-approved location.

- BIO-~~8~~7: Where plant relocation ~~pursuant to BIO-5~~ is required, the corms shall be relocated by a licensed landscape contractor~~, under the supervision of the project biologist,~~ experienced in brodiaea translocation using corms and soil block or clump translocation per the following:

  During the fall dormant season (September 1 –November 30) large clumps of soil (approximately 4 square feet) containing the brodiaea corms shall be removed to a depth of 8 to 12 inches. Soil clumps shall be immediately moved to a prepared, USFWS and CDFW approved site and installed in a manner that replicates the surface elevation of the donor site. The clumps shall be carefully transported to ensure that they are not fragmented or impacted during the move. Any corms found on the margins of the blocks or which fall out during the excavation process shall be transplanted by hand.

  After installation, the spaces between the blocks shall be filled with native soils, gently compacted, and irrigated to prevent the formation of cracks or air pockets. Three inches of weed seed-free mulch shall be laid over the installed soil to prevent drying out of the corms or invasion by exotics, where appropriate. A locally native seed mix shall be applied in September 1 – December 15 to the transplantation area no more than 2 weeks after the completion of relocation activities. The seed mix shall contain species compatible with thread-leaved brodiaea and shall include species attractive to native pollinators. All relocation activities shall be monitored by the project biologist. Transplantation shall be coordinated with CDFW and USFWS prior to initiation.

Buena Creek

- BIO-~~9~~8: SANDAG shall use the mitigation ratios for impacts to sensitive biological habitats established in the Draft North County MSCP. The 2009 Draft North County MSCP establishes a mitigation ratio of 1:1 for all riparian forest (e.g. south coast live oak riparian forest) and freshwater marsh habitats in the Buena Creek area.

- BIO-~~10~~9: SANDAG and the construction contractor shall mark the Buena Creek and all associated riparian and wetland vegetation as ESA and it shall be either staked or fenced with orange snow fencing to ensure the construction areas will not encroach further than the work limits designated in the environmental permits. During the construction period, the project biologist shall inspect the construction limits monthly, or less as warranted, in proximity to Buena Creek to ensure sensitive locations remain undisturbed.

- BIO-10~~1~~: At construction completion, SANDAG shall ensure that the portion of Buena Creek within the project impact area will be revegetated with native riparian trees and understory. Species selected for the revegetation shall be selected from reference sites located along Buena Creek.

- BIO-11~~2~~: The construction contractor shall avoid downing of riparian vegetation during the yellow warbler breeding season (April 1st-September 1st). Should work in proximity to Buena Creek occur within the nesting season, the project biologist shall conduct preconstruction nesting

surveys within 100 feet of project construction limits for yellow warbler within 2 weeks before construction clearing and grubbing activities in proximity to Buena Creek begin.

- BIO-12~~3~~: To protect nocturnal riparian species during construction, no night work (defined as the period between one hour prior to dusk and one hour after dawn) shall be permitted within 100 feet of the Buena Creek riparian corridor.

- BIO-13~~4~~: To minimize permanent lighting within the Buena Creek riparian corridor, all trail lighting proposed to be established within 30 feet of Buena Creek shall be shielded and directed away from the creek. Project wide, all proposed trail lighting shall be in compliance with local lighting regulations.

- BIO-14~~5~~: Prior to clearing and grubbing arundo infested areas, the construction contractor shall cut all arundo approximately 1 foot from the ground and the biomass removed from the area. The stumps shall then be cut to ground level (within two to four inches of the substrate) and full strength Glyphosate Rodeo (with a surfactant), approved for use in wetlands, shall be directly applied to the entire cut surface of the stem with a paint brush, sponge, finger trigger spray bottle, backpack sprayer or similar localized herbicide delivery method within one to two minutes after stem cutting. A wetland approved surfactant shall be included in the Glysophate Rodeo in the amount directed by label recommendations.

  Care shall be taken to avoid application to adjacent vegetation. Dye shall be added to the Glyphosate Rodeo solution to mark treated stumps and ensure full coverage. The contractor is required to complete two or more rounds of arundo eradication to ensure plant material is dead, as determined by the project biologist. Each application shall be completed at least 2 weeks apart. Contractor shall allow a minimum of 14 days after the last Glyphosate Rodeo application prior to disturbing or removing underground roots. Rhizomes and roots easily break and separate during attempts at removal. All roots, rhizomes and parts thereof shall be completely removed from the project area by hand tools, backhoe or similar equipment; at no time shall arundo or parts thereof be allowed to enter the live stream.

- BIO-15~~6~~: If active yellow warbler nests are found within the survey area, a minimum no disturbance buffer of 100 feet shall be established as ESA by the project biologist. Exact buffer distance and sound restrictions will be established through coordination with CDFW. ESA buffer restrictions shall remain until the project biologist determines the juveniles have fledged.

- BIO-16~~7~~: Within 500 feet of Buena Creek, SANDAG shall ensure that all landscaping installed as part of the project shall consist of a biologist approved plant palette from native, locally adapted species.

Tree Preservation and Replacement

- BIO-17~~8~~: Where feasible, SANDAG and the construction contractor shall preserve healthy mature trees (defined as trees equal to or larger than 15” in circumference or approximately 5” diameter at breast height); where removal is necessary, trees shall be replaced at a minimum ratio of 1:1.

Non-Native Grassland

- BIO-1~~8~~9: Within the boundaries of the MHCP, SANDAG shall use the mitigation ratios for impacts to non-native grassland habitats established in the 2003 MHCP. The 2003 MHCP establishes a mitigation ratio of 0.5:1 for impacts to non-native grassland. As the project occurs outside the boundaries of designated focused planning areas, mitigation shall occur at an offsite location through purchase of mitigation credits at an agency approved ratio from an agency approved conservation bank, or through the purchase and permanent conservation of habitat lands inside a focused planning area. Conserved habitat may be out-of-kind, if it is shown to be a viable addition to the regional preserve system.

| **V. Cultural Resources**<br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to cultural resources. As described below, the proposed project would have less than significant impacts to cultural resources with the implementation of mitigation measures, which is consistent with the Final MND. Therefore, the proposed project would not result in any new potentially significant environmental effects that were not identified in the Final MND or substantial increases in the severity of any previously identified significant effects.

The 7-mile-long segment of the Inland Rail Trail was previously evaluated in a Historic Property Survey Report (HPSR) prepared in 1999 by Gallegos & Associates as part of the Oceanside-Escondido Bikeway Project. An Archaeological Report prepared by Affinis covered a 13,000 foot segment of the Inland Rail Trail (Robbins-Wade 2008). The 1999 HPSR included discussion of pedestrian surveys, background research, and Native American consultation for the entire Area of Potential Effects (APE) while the 2008 Archaeological Report presented the results of the pedestrian survey. These reports revealed that while there are three sites within the Inland Rail Trail APE, none of the three sites are located within the current 7-mile segment project APE. A Supplemental HPSR was prepared in September 2012 to reevaluate the site conditions, update Native American Consultation, and perform additional pedestrian surveys of the Area of Potential Effects. The Supplemental HPSR did not identify any cultural resources within the project area that could be affected by the proposed project.

The Supplemental HPSR did not identify any existing cultural resources and determined that the project area yielded a low potential for buried archaeology and historic resources. However, a new mitigation measure (CUL-1) has been included to ensure that potential impacts to any unknown cultural resources, in the unlikely event they are discovered during construction activities, would remain less than significant.

a) **No Impact:** As stated in the Supplemental HPSR and the Archaeological Survey Report (ASR) prepared for the project, no historic properties or archaeological resources would be affected by the project. Background research was conducted to identify previous studies and recorded cultural resources within and adjacent to the APE. The background research consisted of a records search, literature and map review, and consultation with the Native American Heritage Commission (NAHC) and Native American groups.

No prehistoric archaeological sites were identified within the APE. No historical or prehistoric resources were identified during intensive pedestrian surveys conducted by Dokken Engineering archaeologists

Namat Hosseinion on March 20, 2011 and by Amy Dunay on June 26, 2012. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

b) **Less than Significant Impact with Mitigation Incorporated:** No known archaeological resource as defined in CEQA Guidelines Section 15064.5 would be impacted by the proposed project. The Supplemental HPSR found that there is a low potential for unknown archaeological resources to be impacted as a result of the bikeway construction; however incidental discovery of unknown subsurface archaeological resources, if present, would constitute a potentially significant impact. To ensure that potentially significant impacts to unknown subsurface archaeological resources remain less than significant, a new mitigation measure (CUL-1) would be implemented by SANDAG during construction. CUL-1 would require a qualified archaeologist to inspect cultural materials that are encountered during construction to determine if there is any cultural significance.

c) **Less than Significant Impact**: For the purpose of this environmental impact analysis, SANDAG assumes that grading in the form of cut and fill slopes would occur during project construction. The Final MND included a mitigation measure that required the presence of a cultural monitor during all excavation activities to ensure that impacts to paleontological resources remain less than significant. However, SANDAG does not anticipate that any ground disturbing activities associated with the proposed project would involve a depth which could potentially impact sensitive paleontological resources. As a result SANDAG as the CEQA lead agency has determined that the presence of a cultural resources monitor for all excavation activities as required in CUL-1 of the Final MND does not apply to, and would not be required for, the proposed project. This mitigation measure is not applicable to the proposed project and therefore is not included in this Subsequent MND.

d) **Less that Significant Impact**: Disturbance to human remains, including those interred outside of formal cemeteries is not anticipated because the project site is already highly disturbed due to construction activity associated with the existing NCTD rail line. If human remains are discovered, California Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. Pursuant to Public Resources Code (PRC) Section 5097.98, if the Coroner recognizes the remains to be Native American, the coroner shall notify the Native American Heritage Commission who will then notify the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept *in situ*, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a ~~Luiseño~~ Native American monitor. Further provisions of PRC 5097.98 are to be followed as applicable. Compliance with existing codes would ensure that potential impacts related to disturbance of human remains, in the likely event such impacts occur, would remain less than significant.

**Mitigation Measures**

The following mitigation measure would be implemented to ensure potential archaeological resources impacts remain less than significant.

- CUL-1: Prior to the start of construction, a qualified archaeologist will be retained with an on call contract and the resident engineer will ensure that emergency contact information is retained at the job site throughout construction. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find and determine if additional cultural or Native American consultation is necessary.

| **VI. Geology and Soils**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? | ☐ | ☐ | ☐ | ☒ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| iv) Landslides? | ☐ | ☐ | ☒ | ☐ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☒ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to geology and soils. As described below, the proposed project would have less than significant impacts to geology and soils, which is consistent with the Final MND. Therefore, the proposed project would not result in any new potentially significant environmental effects that were not identified in the Final MND or substantial increases in the severity of any previously identified significant effects

a (i) **No Impact:** The Final MND found that the proposed project is located within the regional vicinity of the Elsinore, San Jacinto and Rose Canyon Faults. There are no active faults in the immediate vicinity of the proposed project. Consistent with the Final MND, the project area is not identified on the most recent Alquist-Priolo Earthquake Fault Zoning Map as an area of potential risk. Therefore, no impact related to rupture of a known earthquake fault would occur.

a (ii) **Less than Significant Impact:** A certain level of exposure to seismic ground shaking has the potential of occurring within seismically active Southern California. However, no Alquist-Priolo special study zones or active faults are located within the vicinity of the proposed project and therefore a less than significant risk of ground shaking from a major earthquake is anticipated to occur (SanGIS, Index to Earthquake Fault Zones). Due to the seismically active history of the project area, SANDAG would conduct testing of soil foundations prior to project construction to determine weakness in soil strength and, where required, design structural (bridge or retaining walls) elements in accordance with California earthquake standards.

a (iii) **Less than Significant Impact**: The threat of liquefaction is apparent near waterways such as Buena Creek where the ground water table is shallow. However, liquefaction hazard zones, currently delineated on the SanGIS Geologic Hazards Map, are not located within the project vicinity (SanGIS, 2013. The Subsequent MND remains consistent with the Final MND finding that there would be a less than significant impact in regards to seismic-related ground failure, including liquefaction due to the proposed project.

a (iv) **Less than Significant Impact**: The Final MND identified that landslides typically occur in areas containing substantial slopes. The proposed project is located within flat, low-lying areas. In areas where the project leaves the NCTD ROW and enters city or county public ROW, no encroachment of slopes greater than 30% would occur. Retaining walls and embankments are proposed in order to protect the corridor from surrounding slopes therefore adding assurance that the project would not be subject to landslides or mud flows as well as expose the public to dangerous geologic conditions. The Subsequent MND is consistent with the Final MND finding that there would not be a significant impact due to landslides within the project area with the implementation of retaining walls where necessary as part of the design of the project.

b) **Less than Significant Impact.** In the Final MND, some areas in the vicinity of the proposed project were identified to have moderate to high-risk erosion potential. Structural features associated with the proposed project have been designed in key locations where project grading makes them necessary. As a result, substantial soil erosion associated with construction in areas of moderate to high risk of erosion would not occur. Construction of the proposed project would not occur in areas with moderate to high risk of erosion potential. The potential for erosion to occur during and after construction on other slopes within the project area would be minimized and avoided by performing best management practices and through implementation of retaining wall structures and standard engineering practices such as a maximum of 2:1 slopes. Incorporation of these design features would ensure that substantial soil erosion would not occur, and erosion related impacts including loss of topsoil, would be less than significant.

c) **Less than Significant Impact.** The threat of liquefaction is apparent near waterways such as Buena Creek where the ground water table is shallow. However, liquefaction hazard zones, currently delineated on the SanGIS Geologic Hazards Map, are not located within the project vicinity (SanGIS, 2013). Therefore, the project would have a less than significant impact on a geologic unit or soil that is unstable, and would not cause the soil to become unstable as a result of the project, or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) **Less than Significant Impact**: The Final MND found that the project would likely encounter several soil types due to its length and linear nature. It was inferred that due to the low-lying nature of much of the alignment coupled by the presence of water in places, the project would largely rest on variety of sandy soils. Soils composed largely of sands area considered to be of medium expansion risk. It was assumed that during final design of the project, site specific soil information would be studied in detail and modifications to the structural framework of the bikeway would be implemented. Although the NCTD right-of-way was substantially disturbed during construction on the SPRINTER Rail facility, no changes in the site conditions and the corresponding actions that should be taken are expected. Final design of the project will include site specific soil testing which will ensure that the bikeway and any structures are constructed such that the project would have a less than significant impact to creating substantial risks to life or property due to expansive soils.

e) **No Impact.** The project would not require sewer or wastewater disposal services, therefore no impact to existing or future service facilities would occur. This determination remains consistent with the Final MND.

**Mitigation Measures**

The proposed project would not require any mitigation measures for geology and soils, which is consistent with the Final MND.

| **VII. Greenhouse Gas Emissions**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☒ |

In 2007 California's lawmakers enacted SB 97 requiring Office of Planning and Research to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions. The CEQA Guidelines now explicitly call for lead agencies to discuss greenhouse gas emissions and evaluate their significance on the environment (Section 15064.4). The Final MND was written and approved in 1999, therefore greenhouse gas emissions were not discussed as part of that document.

The discussion of climate change and analysis of potential greenhouse gas emissions impacts of the proposed project constitutes new information of substantial importance that was not provided in the Final MND. However, information about climate change and the potential greenhouse gas emissions effects of the proposed project could have been known with the exercise of reasonable diligence at the time of the adoption of the Final MND in 1999. Moreover, this new information of substantial importance since the Final MND would not result in any new significant environmental effects, or substantial increases in the severity of previously identified significant effects . As described below, the proposed project would have less than significant impacts related to greenhouse gas emissions during construction, and would have a beneficial greenhouse gas emissions impact over long-term operation. Therefore, the proposed project would not result in any new potentially significant environmental effects that were not identified in the Final MND or substantial increases in the severity of any previously identified significant effects.

a) **Less than Significant Impact**: As discussed in Section III. Air Quality, the project would not have any significant negative permanent or temporary impacts to air quality For the same reasons, the project would not have any significant negative impacts on Climate Change or GHG emissions. All increases in GHG emissions would be short term during construction. Furthermore, the proposed multi-use bikeway would provide an alternative means of transportation by provide alternative access for pedestrians and bicyclists in conjunction with the NCTD SPRINTER light rail system. As a result, this project is expected to contribute to long term reductions in GHG emissions by reducing total vehicle trips and vehicle miles traveled.

During long-term operation, the proposed project would have a beneficial impact on local and regional air quality. As described in the SANDAG 2050 RTP/SCS, bicycle improvements are part of an adopted regional strategy to achieve per-capita greenhouse gas emissions from on-road transportation sources by decreasing the number of vehicle trips and vehicle miles traveled. GHG reduction strategies, such as the proposed project, would achieve concomitant reductions in air pollutant emissions from on-road transportation sources. Therefore, the implementation of the bikeway proposed project would represent a positive impact on long-term air quality. Therefore, impacts are considered less than significant.

The anticipated construction work associated with the proposed bikeway infrastructure would not include extensive grading of undeveloped land or vehicle travel on unpaved roads. Therefore, the quantity of greenhouse gas emissions during construction would not be substantial.

b) **No Impact:** The project is consistent with applicable plans for the reduction of GHG emissions, specifically the 2050 RTP/SCS and San Diego Regional Bicycle Plan. The Inland Rail Trail is listed in the 2010 San Diego Regional Bicycle Plan. The San Diego Regional Bicycle Plan outlines that one of its project goals and objectives is to support reductions in greenhouse gas emissions through the implementation of projects including the Inland Rail Trail Project.

**Mitigation Measures**

No mitigation measures are required.

| **VIII. Hazards and Hazardous Materials**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☒ | ☐ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☒ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☒ | ☐ | ☐ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND, that would result in any new significant environmental effects, or substantial increases in the severity of previously identified significant effects related to Hazards and Hazardous Materials. As described below, the proposed project would have less than significant impacts to Hazards and Hazardous Materials, which is consistent with the Final MND. Therefore, the proposed project would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of any previously identified significant effects.

A Phase I Hazardous Waste Initial Site Assessment (ISA) was prepared in August 2012 to evaluate the potential for hazardous waste related impacts this project could have on the environment. The information found in the 2012 ISA was used in the analysis of this Subsequent MND.

a-b) **No Impact:** Construction of the proposed project would involve the transport of gasoline and other fuels to the project site for the sole purpose of equipment fueling. However, once project construction is complete, no further gasoline or fuels would be used on the bikeway. Compliance with existing laws and requirements governing the transport, handling, storage, and use of gasoline and diesel fuel would ensure that construction of the proposed project would not create a significant hazard to the public or environment.

c) **Less than Significant Impact:** The Final MND discusses that there was a school located within 0.25 mile of the Inland Rail Trail in Oceanside. However, this school is not located within the 7-mile segment of the proposed project. The nearest school to the 7-mile segment of the proposed project is Hannalei Elementary School. The proposed project would be approximately 150 feet from a school building at the closest point. The school's parking lot and Hannalei Drive would be located between the proposed project and the school. At their closest point, standard construction activities would occur within 150 feet of the Hannalei Elementary School. Best management practices would be incorporated during construction to ensure that potential hazards, such as a gasoline spills, would be prevented. The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) **Less than Significant Impact:** A review of federal, state and local hazardous materials lists was conducted in conjunction with the 2012 ISA. The following facilities or properties within the project area have either at one time reported releases of hazardous materials or waste or a historical or existing land use suggests potential for storage of hazardous materials or waste: Vista Transit Center, Former Carlos Auto Body (Currently Vacant), Former Beaudry's Auto Repair (Currently Vacant), Former County Public Works Yard (Currently Vacant). Historical records and field observations indicate the presence of at least 28 facilities adjacent to the project area that are potential sources of hazardous materials/waste. However, regulatory databases and files do not contain any evidence of documented historical releases from these facilities within the project limits or current regulatory actions or violations for any of these facilities. Field observations of properties and facilities in the project area reported in the 2012 ISA suggest the previous use or generation of hazardous materials and wastes in the project area was unlikely.

The Final MND identified one underground storage tank within the NCTD ROW in the vicinity of the City of Vista downtown redevelopment project. At the time of the Final MND it was expected that redevelopment of the downtown area would include removal of the underground storage tank and associated remediation of any potentially contaminated soil. Research conducted as part of the 2012 ISA indicates that the underground storage tank has since been removed and all remediation has been completed.

Based on this information, there is a low likelihood of encountering hazardous materials or wastes in the project area. The 2012 ISA concluded that no further investigation of the project area for presence of hazardous materials or waste appears to be warranted. Although there is no evidence of hazardous materials or waste in the project area, the potential, while low, exists for encountering previously undiscovered hazardous waste or hazardous materials during construction of the proposed project. If any such materials are discovered during construction, the appropriate remediation measures would be taken by the construction contractor to protect workers and properly dispose of the hazardous materials.

e-f) **No Impact:** The closest airport is over 5 miles to the south west of the project area (McClellan Palomar Airport). Therefore, the project would not subject users to safety hazards associated with public or private airports. The project would not result in an impact causing a safety hazard for people residing or working in the project area.

g) **Less than Significant Impact:** The Final MND was not located within an area utilized for emergency access. This remains true for the 7-mile project area and this Subsequent MNDs analysis. Therefore, it is not anticipated that an emergency evacuation plan would be affected by the project during either project construction or operation. In areas where the bikeway follows existing city streets, it is assumed that adequate emergency access already exists along these streets and therefore no conflict would occur.

Emergency service providers (e.g., fire, ambulance) would be equipped with a card or device which would allow them to easily remove motor vehicle prevention pilings planned to be located at the entrances and exits of the bikeway. If a bikeway user was to require emergency services while using the portion of bikeway located on existing city streets, adequate emergency access exists within these areas. Therefore, it is not anticipated that the construction of the bikeway would inhibit emergency service vehicles and/or personnel from accessing a bikeway user or the NCTD right-of-way.

h) **Less than Significant with Mitigation Incorporated:** The Final MND identified that portions of the proposed project were located adjacent to potentially flammable materials such as brush, grass or trees. In order to prevent possible fire hazards potentially resulting from the proximity of construction activities to potentially flammable vegetation (e.g., brush, grass or trees), the Final MND proposed mitigation measure HAZ-1 to ensure potential wildland fire hazard impacts remain below a level of significance. The 7-mile proposed project discussed in this Subsequent MND also has the potential to result in possible fire hazards due to the proximity to potentially flammable vegetation; therefore mitigation measure HAZ-1 would be implemented as part of the proposed project to ensure that impacts remain less than significant. The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**Mitigation Measures**

The following mitigation measure from the Final MND applies to the proposed project and will be implemented to ensure that potential fire hazard impacts remain less than significant.

- HAZ-1: A brush management plan shall be incorporated during project construction. Construction within areas of dense foliage during dry conditions should be avoided. In cases where avoidance is not feasible, necessary brush fire prevention and management practices shall be incorporated. Specifics of the brush management program will be determined as site plans for the project are finalized.

| **IX. Hydrology and Water Quality**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☒ | ☐ | ☐ |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☒ | ☐ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☒ | ☐ |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☐ | ☒ |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ |
| f) Otherwise substantially degrade water quality? | ☐ | ☒ | ☐ | ☐ |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ |
| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND, that would result in any new significant environmental effects, or substantial increases in the severity of previously identified significant effects related to Hydrology and Water Quality. As described below, with the implementation of mitigation measures the proposed project would have less than significant impacts to Hydrology and Water Quality, which is consistent with the Final MND. Therefore, the new information related to Hydrology and Water Quality would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of any previously identified significant effects.

a) **Less than Significant Impact with Mitigation Incorporated:** The Final MND identified approximately 0.50 acres of direct impacts to Waters of the U.S. and wetlands. The proposed project is anticipated to permanently impact approximately 0.30 acre and temporarily impact approximately 0.11 acre of the waters of the U.S. and waters of the State. Of the 0.30 acre area, less than 0.01 acre is considered wetlands; the remaining approximately 0.29 acre area is considered non-wetland waters of the U.S. Prior to work within jurisdictional waters, SANDAG would obtain a Clean Water Act (CWA) Section 404 authorization (Nationwide Permit 14) from the USACE, a Section 401 Water Quality Certification from the RWQCB, a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order No. 2009-009-DWQ) regulated by the State Water Resources Control Board, and a Fish and Game Code Section 1602 Streambed Alteration Agreement from CDFW. Implementation of Mitigation Measure WQ-1 would ensure that impacts to jurisdictional waters and wetlands remain less than significant with implementation of the proposed project.

b) **Less than Significant Impact:** The groundwater level is shallow within project areas adjacent to creeks. However, minimal cut and fill would be required, resulting in minimal risk of accidentally encountering groundwater. The project is not expected to encounter groundwater, nor have impacts to it.

c) **Less than Significant Impact:** Although the project would not involve the movement of an existing stream or river course, siltation and/or erosion may occur during project implementation. As described in Section "a" above, best management practices would be implemented during construction to minimize the potential for siltation and/or erosion related impacts to water quality.

d) **No Impact:** The project would not alter the existing floodplain. Therefore, no change in potential creek water levels would occur. The project would not involve damning, diking or berming of water bodies, therefore no change in the amount of surface water would occur.

e) **No Impact:** The relatively small amount of impervious surface associated with the proposed project would not generate levels of stormwater runoff that would exceed the capacity of local stormwater infrastructure. Moreover, the proposed project includes minor stormwater improvements to ensure local infrastructure can accommodate projected runoff volumes of the proposed project. Use of the proposed trail by bicyclists and pedestrians would not result in additional sources of polluted runoff.

f) **Less Than Significant with Mitigation Incorporated:** The project is anticipated to permanently impact approximately 0.30 acres and temporarily impact approximately 0.11 acres of the US and State. Prior to work within waters the project will obtain a CWA Section 404 authorization (Nationwide Permit 14) from the USACE, a Section 401 Water Quality Certification from the RWQCB, a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order No. 2009-009-DWQ) regulated by the State Water Resources Control Board, and a Fish and Game Code Section 1602 Streambed Alteration Agreement from CDFW. Implementation of Mitigation Measure WQ-1 would ensure that impacts to jurisdictional waters and wetlands remain less than significant with implementation of the proposed project.

No appreciable urban contamination would occur long-term during operation due to exclusive use of facility by non-motorized bicycles. Construction impacts due to grading, cutting and filling are anticipated to impact water quality through increased sediment load within the floodplain and adjacent waterways. Measures WQ-1 to WQ-6 would minimize and avoid potential effects to water bodies within the project area.

Although the project would not involve the movement of an existing stream or river course, siltation and/or erosion may occur during project implementation. The project would cause runoff to occur, but due to the dimensions of the impervious portion of the bikeway, a substantial addition to local stormwater drainage systems would not occur. Further, due to the non-motorized vehicle use of the bikeway, additional sources of polluted runoff would not occur.

g) **No Impact:** No portion of the proposed project would involve the construction of housing. Therefore, the project will have no impacts to placing housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) **Less than Significant Impact:** Design of the project involves placement of portions of the alignment within the 100 year flood zone of various drainages. However, the portions of the bikeway within the 100 year flood zones would not impede or redirect flood flows due to the minimal amount of impact to the existing hydrology and structure of the floodway. The trail shall be designed to ensure the drainage flows away from rail tracks and does not adversely affect adjacent property owners. Where drainage structures are included in the proposed project, the latest design standards and requirements shall be used.

i) **No Impact:** No portion of the project would involve the construction of a levee or dam which could potentially place downstream people or structures at risk. In addition, as mentioned in response h, the amount of impact to the existing floodplain would be minimal, therefore no people or structures would be placed in a flood risk zone.

j) **No Impact:** The project site is not located in an identified hazard area for seiche, tsunami or mudflow events. Therefore, no impact would occur.

**Mitigation Measures**

The following mitigation measures identified in the Final MND would be implemented by the proposed project to ensure that potential impacts remain less than significant.

- WQ-1: Due to regulation of these water bodies by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife, a nationwide permit pursuant to Section 404 of the Clean Water Act and Streambed Alteration Agreement pursuant to Section 1602 of the Fish and Game Code would be obtained. In addition, SANDAG would obtain water quality certification pursuant to Section 401 of the Clean Water Act from the San Diego Regional Water Quality Control Board.

  Mitigation for any impacts to jurisdictional waters or wetlands not covered by the mitigation credits purchased by City of San Marcos in 2001 (as determined through consultation among SANDAG, USACE and CDFW) shall be provided either through the purchase of credits at an existing authorized mitigation bank or in lieu fee program, or through project-specific mitigation. As explained in BIO-11, SANDAG shall perform on-site restoration for the less than 0.01 acre of permanent impact to freshwater marsh habitat anticipated due to the bridge proposed over Buena Creek, or otherwise perform mitigation as required by USACE and CDFW permit conditions. A minimum on-site

mitigation/restoration ratio of 1:1 shall be provided for temporary impacts, unless USACE and CDFW determine otherwise higher ratio.

A mitigation and monitoring plan completed per the requirements of USACE and CDFW shall be prepared for all impacts to jurisdictional waters. This plan shall include details regarding site appropriateness, preparation (e.g., grading), recontouring, planting specifications (including seed mixes and plant palettes), and irrigation design (if determined necessary), as well as maintenance and monitoring procedures (including monitoring period and reporting). Impacts to other sensitive vegetation communities that may occur as the result of implementing this measure include direct loss and indirect effects related to changes in hydrology and species composition. The plan shall also identify locally appropriate plant species for the mitigation/restoration plan, and outline yearly success criteria and remedial measures should the mitigation effort fall short of the success criteria. Success criteria shall be sufficient to create self-sustaining habitat providing the functions and values required to offset those lost to the impacts and meet the requirements of all applicable agency and adopted plans, ordinances, and policies. Remedial measures typically include, but are not limited to, replanting, reseeding, grading adjustments, supplemental irrigation, access control, increased weed control, and extended maintenance and monitoring periods.

- WQ-2: Appropriate erosion control measures would be installed such as hay bales, sand bags, and silt curtains.

- WQ-3: Buffer zones would be established at the down gradient boundaries of disturbed areas to prevent wash-off into channels. Buffer zones may be vegetated (grass) or hay baled. Buffer zones serve to reduce overland flow velocities and trap eroded sediment that would otherwise migrate toward drainage channels.

- WQ-4: If necessary, siltation basins would be constructed in drainage channels to capture sediment.

- WQ-5: Storm water management plans, as required by state and local regulation for construction sites shall be prepared.

- WQ-6: Right-of-way bridge piers and culverts constructed within channels would be designed to minimize disruption of flow regimes, channel scour and downstream deposition of sediment.

| **X. Land Use and Planning**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to land use and planning. As described below, the proposed project would have a less than significant impact or no impact to land use and planning, which is consistent with the Final MND. Therefore, the new information related to land use and planning would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of any previously identified significant effect.

a) **No Impact:** The proposed alignment of the project traverses many different residential areas. However, the project would be generally located within the existing NCTD rail line right-of-way. In areas where the project leaves the NCTD ROW, the bikeway would follow or directly cross existing streets within city or county ROW. The proposed bikeway is located largely on existing public right-of-way. Construction may require temporary construction easements and at worst-case, some acquisition of private property may be needed. In two locations between the Civic Center-Vista Station and Hannalei Drive, land within the back yards of adjacent privately owned residential properties may be needed for construction of the proposed bikeway. The first of these acquisitions would require up to 11 feet of land from the back yards of up to five residential properties between 300 and 800 feet east of the Civic Center Station. At the second location the proposed project would require up to 20 feet of land from the portion of one large residential property adjacent to NCTD ROW and just east of the terminus of Phillips Street. Since the land adjacent to these properties is currently NCTD ROW, acquisition of a small portion of these properties would not substantially affect their functional use as residences and would not physically divide an existing community. The exact ROW acquisition necessary to construct the proposed project would be determined during the final design and ROW phase.

The proposed trail alignment currently passes through a portion of a property owned and operated by SDG&E on the northwest corner of North Santa Fe Avenue and Vista Village Drive, just south of the Vista Transit Center Station. This parcel includes an SDG&E electrical substation and ancillary electrical infrastructure. The trail would be located on the west side of the SDG&E property adjacent to the NCTD ROW. The trail width would be approximately 14 feet wide (ten foot path and two foot shoulders) and would retain a shared use of that SDG&E parcel through an access easement between SDG&E and the City of Vista. The location of the trail is not expected to conflict with the existing substation use, nor SDG&E plans to upgrade their substation and ancillary electrical infrastructure in the future; however it

would change the use of that portion of the parcel to include recreational access. SDG&E would request approval of an easement transfer in perpetuity from the CPUC as required by California Public Utilities Code §851. The easement would transfer from SDG&E to the City of Vista since the City would ultimately own and maintain the trail following construction completion. Changes to the use of the SDG&E parcel to allow recreational access for the trail, including approval of an easement transfer, are not expected to have any negative impacts on the environment.

In addition to the permanent acquisitions, portions of private property up to 30 feet from the NCTD right-of-way may be needed temporarily to allow construction of the proposed project. Construction activities may have minor temporary nuisance type impacts (construction noise, construction at intersections); however, no significant physical changes that would divide existing communities would occur during construction or operation. Furthermore, the bikeway would provide a safe alternative mode of transportation for pedestrians and cyclists both in terms of recreation and commuting. This would improve bicycle and pedestrian access and connectivity in the project area. The project would not physically divide an established community.

b) **No Impact:** The proposed project is located within the cities of Vista, San Marcos, Oceanside, and unincorporated County of San Diego. The project has been designed to be consistent with the transportation, circulation, and bicycle plan policies in each jurisdiction and would provide a new multimodal means of transportation separated from areas used by vehicular traffic. No conflicts with applicable land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect would occur as a result of this project.

**c) No Impact:** Several specifications pertaining to the preservation of core gnatcatcher reserves are discussed in the Draft North County MSCP. However, the proposed project is not located within any core gnatcatcher reserve areas. Therefore, the proposed project would not be subject to provisions of the Draft North County MSCP related to gnatcatcher preservation. See Biological Resources, section (e) for additional discussion of consistency with the Draft San Diego North County MSCP. The proposed project would be consistent with SANDAG's 2003 MHCP. See Biological Resources, section (f) for discussion of consistency with the MHCP.

**Mitigation Measures**

The proposed project would not require any mitigation measures for land use and planning, which is consistent with the Final MND.

| **XI. Mineral Resources**<br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to mineral resources. As described below, the proposed project would have no impacts to mineral resources, which is consistent with the Final MND. Therefore, the new information related to mineral resources would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of any previously identified significant effects.

a) **No Impact:** A review of current USGS and California geologic mapping does not indicate the existence of any mineral resources within the current project area. No impacts to mineral resources are expected.

b) **No Impact:** The project would not impact a known mineral resource recovery site as delineated on a local general plan, specific plan or other land use plan, therefore no impact would occur.

**Mitigation Measures**

The proposed project would not require any mitigation measures for mineral resources, which is consistent with the Final MND.

| **XII. Noise**<br><br>Would the project result in: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☒ | ☐ | ☐ |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☒ | ☐ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

The Subsequent MND has reevaluated each environmental resource and identified new mitigation measures that would ensure noise impacts remain less than significant that were not previously discussed in the Final MND. However, implementation of mitigation measures identified below, in addition to the mitigation measure identified in the Final MND, would ensure these potentially significant impacts remain below a level of significance. Therefore, the proposed project would not result in a new significant effect that was not identified in the Final MND, or a substantial increase in the severity of any previously identified significant effect.

A Noise Technical Memorandum was prepared in June 2012 to evaluate the potential construction noise impacts of the proposed project.

a, d) **Less Than Significant Impact with Mitigation Incorporated**: The Final MND identified potentially significant construction-related noise impacts and therefore required mitigation measures to ensure that noise impacts to surrounding sensitive receptors remain at a level below significance. The magnitude of potential construction noise impacts of the proposed project would be consistent with the noise impacts identified in the Final MND. Same as the analysis of the Final MND, implementation of the Final MND noise mitigation measures by the proposed project would ensure that construction noise impacts to surrounding sensitive receptors remain at a level below significance for the proposed project.

To further reduce the potential for noise impacts during construction, best management practices will be implemented. These best management practices will include, but are not limited to, not exceeding 86 dBA at 50 feet from the construction activities from 9 p.m. to 6 a.m. (in the event that a local agency grants permission to work outside the allowable times) and equipping internal combustion engines with manufacturer-recommended mufflers.

b) **No Impact:** The analysis of the proposed project in the Subsequent MND is consistent with the findings in the Final MND that there would be no impacts resulting from the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels due to the project. Due to the transient nature of bikeway users, groundbourne vibration or noise would not occur with project implementation. In addition, no motorized vehicles would be allowed access to the bikeway, therefore further reducing the amount of noise prevalent on the bikeway.

c) **Less Than Significant Impact:** It is anticipated that the project would involve the introduction of a noise source, voices of bicyclists and/or pedestrians, to the NCTD rail right- of-way. These source are not expected to be very loud and due to the distance of adjacent sensitive receptors as well as the rapid pace of travel of a majority of the bikeway users, a substantial increase in ambient noise levels is not anticipated to occur. This conclusion is consistent with the finding in the Final MND that there would be no permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

e, f) **No Impact:** The project corridor is not located within an airport land use plan or within two miles of a public airport or public use airport or a private airstrip.

**Mitigation Measures**

The following mitigation measures identified in the Final MND would be implemented as part of the proposed project to ensure that potential noise effects remain less than significant.

- NOI-1: All construction shall occur during times allowed by the noise ordinance of each local jurisdiction:
    - *City of Vista:* Monday through Saturday, 7 a.m. to 7 p.m.
    - *City of San Marcos:* Monday through Friday, 7:00 a.m. to 6:00 p.m.; Saturday, 8:00 a.m. 5:00 p.m.
    - *City of Oceanside:* Monday through Friday, 7:00 a.m. to 6:00 p.m.
    - *County of San Diego:* Monday through Friday, 7 a.m. to 7 p.m. If weekend construction is required for the portion in unincorporated County of San Diego, SANDAG would be required to obtain prior approval from the County Department of Public Works.

| **XIII. Population and Housing**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to population and housing. As described below, the proposed project would have no impacts to population and housing, which is consistent with the Final MND. Therefore, the new information related to population and housing would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of a previously identified significant effect.

a) **No Impact:** The project would not cause growth to occur in areas that are currently undeveloped. The project is planned to accommodate the needs of existing Cities of Vista, San Marcos, and County of San Diego residents. Any recreationalists from other cities are expected to visit the bikeway rather than permanently relocate to the Cities of Vista, San Marcos, or the nearby unincorporated County. The project does not represent an improvement of major infrastructure due to its recreational nature. Therefore, substantial growth inducement is unlikely to occur. This determination is consistent with the no impact finding of the Final MND.

b-c) **No Impact:** The project would not displace existing housing due to the project's location within the undeveloped NCTD rail line right-of-way or within the boundaries of existing city streets. This conclusion is consistent with the Final MND.

**Mitigation Measures**

The proposed project would not require any mitigation measures for population and housing, which is consistent with the Final MND.

| **XIV. Public Services** | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| I) Fire protection? | ☐ | ☒ | ☐ | ☐ |
| II) Police protection? | ☐ | ☐ | ☒ | ☐ |
| III) Schools? | ☐ | ☐ | ☐ | ☒ |
| IV) Parks? | ☐ | ☐ | ☐ | ☒ |
| V) Other public facilities? | ☐ | ☐ | ☒ | ☐ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to public services. As described below, the proposed project would have less than significant public services impacts, which is consistent with the Final MND. Therefore, the proposed project would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of a previously identified significant effect.

i) **Less Than Significant Impact:** The project would not create a long term fire hazard. However, the Final MND identified that portions of the proposed project were located adjacent to potentially flammable materials such as brush, grass or trees. In order to prevent possible fire hazards from encounters with brush, grass or trees, the Final MND proposed mitigation measure HAZ-1 to be implemented in order to reduce the impacts to below a level of significance. The 7-mile proposed project discussed in this Subsequent MND also has the potential to encounter potentially flammable materials; therefore mitigation measure HAZ-1 applies to the proposed project. With implementation of HAZ-1, there would not be a need for increased fire protection. The proposed project would not increase the amount of population in the project area, therefore, no new or physically altered fire protection facilities would be required. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts.

ii) **No Impact:** Due to the non-population increasing nature of the project, no increase in police services would be necessary.

iii) **No Impact:** The nearest school to the 7-mile segment of current project is Hannalei Elementary School. The bikeway would be approximately 150 feet from the school's building, and would be buffered by the school's parking lot in between. Therefore, no direct impacts are anticipated to schools due to the proposed project. In addition, the proposed project would not cause an increase in the local student population. Therefore, no increases in demand on nearby school services would occur.

iv) **No Impact.** Within the City of Vista, Soroptimist Park is an existing park which the City has plans to further develop. The park is located along the west side of South Santa Fe Ave, just south of Vista Village Drive. The park has been preliminarily designed to incorporate the proposed project as a meandering multi-use trail. The Boys and Girls Club of the City of Vista is located just east of the project and north of Calle Chapultepec; however the project will not impact the baseball field or any other recreational resources located there. In County of San Diego, the Stonebrook Church has three baseball fields adjacent to the proposed project but no impacts to these recreation facilities are expected. No recreational facilities have been identified in the City of San Marcos adjacent to the proposed project.

The proposed project is identified in the general plans of the City of Vista and City of San Marcos. The County of San Diego General Plan has a goal of providing bicycle and pedestrian networks and facilities that provide safe, efficient, and attractive mobility options for county residents. The approximately 0.1 mile portion of the project located within the City of Oceanside along Melrose Drive would not result in the provision of new or physically altered park facilities.

The proposed project would enhance and provide better connectivity to existing trails, parks, and recreational facilities in the project area. For example, at the south end, the bikeway would connect to an existing segment of the Inland Rail Trail that terminates at the West Mission Road and North Pacific Street in the City of San Marcos. Performance standards for parks are based on park size and population living within a specified service area. For example, the City of Vista General Plan stipulates that a community park should have a service area of one to two miles and be 25 acres or more in size. Community parks should be provided at a ratio of three acres per 1,000 people. Since the proposed project would not change the amount of people within proximity to parks, it would not require provision of new or altered parks in order to maintain acceptable service ratios or performance standards. As a result, no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities would occur.

v) **Less than Significant Impact:** The proposed project would not adversely affect service ratios, response times or performance objectives for any other public services. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts.

**Mitigation Measures**

No mitigation measures are required, which is consistent with the Final MND.

| XV. Recreation | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previous identified significant effects related to recreation. As described below, the proposed project would have less than significant impacts to recreation, which is consistent with the Final MND. Therefore, the new information related to recreation would not result in a new potentially significant environmental effect that was not identified in the Final MND.

a) **No Impact:** Existing neighborhood and regional parks in the project area are sized based on surrounding population living within a specified area. The proposed project would not increase the number of people living near parks. The project would not cause a substantial increase in user levels at local and regional parks such that substantial physical deterioration would occur or be accelerated. In addition, by connecting with an existing segment of the Inland Rail Trail, the proposed project would increase use of this existing recreational facility. Such increased use is one of the purposes of the proposed project, and would not result in or accelerate substantial physical deterioration of the existing Inland Rail Trail.

b) **Less Than Significant Impact:** The proposed project would serve, in part, as a recreational facility for cyclists and pedestrians. The proposed project would connect with an existing segment of the Inland Rail Trail, and would not require construction or expansion of any other recreational facilities. The adverse physical effects on the environment are analyzed throughout this Subsequent MND and would be less than significant with the implementation of mitigation measures.

**Mitigation Measures**

The proposed project would not require any mitigation measures for recreation, which is consistent with the Final MND.

| **XVI. Transportation/Traffic**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |
| f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☒ |

There are no substantial changes in the proposed project, or new information of substantial importance since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previously identified significant effects related to transportation/traffic. As described below, the proposed project would have less than significant impacts to transportation/traffic, which is consistent with the Final MND. Therefore, the new information related to transportation/traffic would not result in a new potentially significant environmental effect that was not identified in the Final MND or a substantial increase in the severity of any previously identified significant effect.

a-b) **No Impact:** The proposed project would be consistent with the 2050 RTP/SCS, which is the applicable plan establishing multimodal performance measures for the regional transportation system, as well as the applicable congestion management program for the San Diego region. The proposed project also would be consistent with the San Diego Regional Bicycle Plan, the applicable regional bicycle plan for the San Diego region. The proposed project would contribute to reduced vehicular traffic congestion by providing an alternative to single occupancy vehicle commuting and improving non-motorized access to transit stations. Federal Highway Administration 23 Code of Federal Regulations (CFR) 450.320 requires that each transportation management area (TMA) address congestion management through a process involving an analysis of multimodal metropolitan wide strategies that are cooperatively developed to foster safety and integrated management of new and existing transportation facilities eligible for federal funding. SANDAG has been designated as the TMA for the San Diego region. The 2050 RTP/SCS meets the requirements of 23 CFR 450.320 by incorporating the following federal congestion management process: performance monitoring and measurement of the regional transportation system, multimodal alternatives and non-SOV analysis, land use impact analysis, the provision of congestion management tools, and integration with the regional transportation improvement program process. No impact would occur.

c) **No Impact:** The project would not impact air traffic patterns. Therefore, substantial safety risks would not occur.

d, e) **Less Than Significant Impact:** The proposed project would generally be located within the existing NCTD rail line right-of-way. In areas where the project leaves the NCTD right-of-way, the bikeway would follow existing city streets. to meet the nearest intersection when there are at-grade crossings with City and County roadways to ensure safety for bicycles, pedestrians, and other transportation modes. Departure from NCTD right-of-way, where necessary, would promote safe use of the bikeway. Road crossings delineated with crosswalks are more visible to oncoming vehicular traffic and provide a natural crossing compared with a location adjacent to the railroad tracks.

The project would not restrict emergency access in the project area. Crossings at roadways would be via crosswalk and would not hinder emergency vehicles. Emergency access to portions of the bikeway would be available either on the path itself or using existing adjacent NCTD maintenance access roads where available.

f) **No Impact:** The project would implement applicable alternative transportation plans, including the 2050 RTP/SCS and the San Diego Regional Bicycle Plan. No impact would occur.

**Mitigation Measures**

The proposed project would not require any mitigation measures for transportation and traffic, which is consistent with the Final MND .

| **XVII. Utilities and Services Systems**<br><br>Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☒ | ☐ |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

A portion of the project within the City of Vista would be located on a parcel owned by the San Diego Gas and Electric Company (SDG&E) on the northwest corner of North Santa Fe Avenue and Vista Village Drive. This parcel includes an SDG&E electrical substation and ancillary electrical infrastructure. This is new information related to utilities that was not described in the Final MND.

The trail would be located on the west side of the SDG&E property adjacent to the NCTD ROW and would be approximately 14 feet wide (ten foot path and two foot shoulders). In order for SANDAG to construct the project on SDG&E property, an access easement in perpetuity would be required to be provided by SDG&E to the City of Vista and approved by the CPUC pursuant to Public Resources Code §851. The location of the trail or approval of this easement is not expected to conflict with the existing

substation use, nor SDG&E plans to upgrade their substation and ancillary electrical infrastructure in the future.

SANDAG has already begun coordination with SDG&E and the City of Vista. Staff from SANDAG, SDG&E, the City of Vista, met on January 26, 2012 to discuss the project and continue coordination. Changes to the SDG&E parcel to allow for recreational access for the trail, including approval of an easement transfer, are not expected to have any negative impacts to the environment.

Additional coordination efforts between SANDAG, the City of Vista, and SDG&E would continue to occur throughout the design phase of the project to ensure that the project would not adversely affect the SDG&E substation and ancillary electrical infrastructure. This new information would not result in a new significant effect or a substantial increase in the severity of any previously identified significant effect. There have been no other major changes in the project and there is no other new information of substantial importance related to utilities and service systems since the Final MND that would result in any new significant environmental effects, or substantial increases in the severity of previously identified significant effects related to utilities and service systems. As described below, the proposed project would have less than significant impacts to utilities and service systems, which is consistent with the Final MND.

a) **No Impact:** The project would not generate wastewater. Project plans do not call for restroom facilities. Any runoff water from drinking fountains which are planned as components of the project would utilize gravel seepage basins located onsite, therefore not necessitating local wastewater treatment service.

b) **No Impact:** The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities which would cause a significant environmental effect. Project design calls for the placement of drinking fountains throughout the alignment. However, it is not expected that the addition of these drinking fountains would require any new water or wastewater treatment facilities, and no significant environmental impacts would occur. Most new drinking fountains would occur at existing SPRINTER stations or near existing local roadways where existing water infrastructure with adequate capacity is available.

c) **Less Than Significant Impact:** The project would require a drainage system in order to properly dispose of excess stormwater runoff. Construction of the NCTD SPRINTER railroad line included a substantial increase in stormwater and drainage infrastructure in the project area, mostly in the form of concrete lined drainage ditches running linearly along the railroad ROW. This stormwater infrastructure did not exist when the Final MND was adopted. These existing concrete lined channels would also be used to capture the minor increases in stormwater runoff as a result of construction of the bikeway. In some areas, construction of the bikeway may require that existing concrete lined channels be enlarged to accommodate additional stormwater capacity, or may need to be piped underground or relocated to the side of the bikeway. Enlargement or relocation of stormwater facilities are expected to be minor and would result in a facility substantially the same as what is currently used. Due to use of the bikeway by bicycles and pedestrians there would be negligible presence, if not absence, of petrochemical contaminants, therefore natural drainage systems such as seepage basins could be used to accommodate stormwater runoff generated by the proposed project. Design of the project would include a stormwater drainage system that would comply with State and local guidelines to ensure adequate stormwater capacity. The enlargement and relocation of existing facilities would be confined to the project area and all potential impacts associated with those changes would not result in any new significant impacts or increase in the severity of any previously identified impacts.

d) **Less Than Significant Impact:** The project would require the use of water resources in the form of drinking fountains and irrigated landscaping located throughout the project alignment. This would necessitate use of existing public water supplies within each jurisdiction affected by the project. Due to the small amount of water anticipated to be needed in association with these facilities, existing water supplies would be sufficient to serve the proposed project and new or expanded entitlements would not be needed. Therefore, a less than significant impact would occur.

e) **No Impact:** No portion of the project would require service from the local wastewater treatment facility due to the lack of sanitary services proposed with the project.

f, g) **No Impact:** Construction activities may generate solid waste; however the construction contractor will be required to dispose of said waste through appropriate coordination with local landfills on a short term basis. No permanent increase in the generation of solid waste would occur as a result of this project. The project will comply with all federal, state, and local statutes and regulations related to solid waste.

**Mitigation Measures**

The proposed project would not require any mitigation measures for utilities and services systems, which is consistent with the Final MND.

| **XVIII. Mandatory Findings of Significance** | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
| b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? | ☐ | ☐ | ☒ | ☐ |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☒ | ☐ |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

a) **Less Than Significant Impact with Mitigation Incorporated:** As discussed throughout this Initial Study checklist, potentially significant impacts were identified in the Final MND with respect to: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. Implementation of the mitigation measures identified in the Final MND would ensure these potentially significant impacts remain below a level of significance. These mitigation measures, where applicable to the proposed project, would ensure that potentially significant effects of the proposed project, including potentially significant effects to state endangered and federally threatened thread-leaved brodiaea and sensitive habitats, would remain less than significant. The Final MND determined that the Inland Rail Trail would have a less than significant impact or no impact for all other environmental topical areas.

This Subsequent MND identified and analyzed the changes in the project description, physical environment, regulatory setting, environmental impact analysis and mitigation measures since the Final MND. The Subsequent MND has reevaluated each environmental resource and identified new potentially significant effects to the environment (that were not previously discussed in the Final MND) in regards to: Biological Resources and Cultural Resources.

Implementation of mitigation measures identified in this Subsequent MND would ensure these potentially significant impacts remain below a level of significance for the proposed project. Prior mitigation that was done for the full project should be applied as appropriate to this portion of the project. This prior mitigation includes the purchase of mitigation credits at an agency-approved mitigation bank for impacts to wetlands, riparian habitat, and southern willow scrub habitat, which was made by the City of San Marcos on January 4, 2001 (see Appendix A). The proposed project would not result in any new significant effects or a substantial increase in the severity of any previously identified significant effects.

b) **Less Than Significant Impact:** The proposed project would help implement regional plans for improved pedestrian and bicycle mobility in the San Diego Region. Completion of the proposed project would provide the opportunity for increased bicycle recreation and commuting in the project area, and would increase access to four existing SPRINTER stations. The project would result in long-term improvements in traffic congestion, public health, recreation opportunities, air quality, and climate change. There would be negligible adverse effects during long-term operations of the proposed project. There would be short-term environmental effects during construction in order to achieve these long-term goals. Therefore, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

c) **Less Than Significant Impact:** The Final MND concluded that environmental effects would be less than cumulatively considerable. Since 1999, the physical environment in the proposed project area has changed substantially. The NCTD SPRINTER Rail facility has been built and other adjacent development has occurred in the cities of Vista and San Marcos, and the County of San Diego. Design of this portion of the bikeway has not substantially changed, and at this time, there are no reasonably foreseeable projects that have been built or are planned for construction which would be likely to contribute to cumulative impacts within and adjacent to the project area (according to the capital improvement program of each local jurisdiction). As a result, the mitigation measures included in this Subsequent MND would ensure that all potentially significant environmental impacts are reduced to less than significant at the project-level and cumulatively.

d) **No Impact:** As evaluated throughout this Initial Study checklist, no components or aspects of the proposed project could be considered to have substantial direct or indirect negative impacts on human beings. Construction of the proposed project would not involve air pollutant emission levels or noise levels that would result in substantial adverse effects to people living, working, or otherwise located in the project area. Long-term operation of the proposed project would not result in substantial adverse effects to human beings as documented throughout this Initial Study checklist. In fact, the proposed project would help implement the 2050 RTP/SCS and Regional Bicycle Plan for the San Diego region, some objectives of which are to improve air quality, lower greenhouse gas emissions, reduce traffic congestion, and promote improved public health. The proposed project would help the project area and San Diego region obtain these objectives. Therefore, the proposed project would not result in environmental effects which would cause substantial adverse effects to human beings.

This determination of no adverse environmental effects to human beings is consistent with the findings of the Final MND.

**Mitigation Measures**

Mitigation measures are required to ensure that potentially significant effects in the following environmental topical areas remain less than significant for the proposed project: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. The required mitigation measures are listed in the corresponding section of the Initial Study checklist.

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# Appendix A

# Oceanside – Escondido Bikeway Project
# Mitigation Bank Credit Purchase

Development Services-Engineering
1 Civic Center Drive
San Marcos, CA 92069-2918

Telephone
760.744.1050
FAX: 760.591.4135

2001 JAN -4 AM 10:32

January 4, 2001

Mr. Richard G. Chavez
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101-4231

Re: Purchase of Pilgrim Creek Mitigation Bank Credits for the Oceanside - Escondido Bikeway Project

Dear Richard:

As the lead agency representing the Cities of Escondido, Vista, Oceanside, San Marcos and the County of San Diego, this is a follow-up to purchase 0.90 acre of credit from Caltrans' Pilgrim Creek Mitigation Bank for the Oceanside - Escondido Bikeway Project.

As it was defined in your letter to the City dated October 11, 2000, enclosed please find a check for $108,000 for the purchase of the referenced credit at Pilgrim Creek Mitigation Bank.

Please give me a call if you have questions or need additional information. I can be reached at (760) 744-1050 x3255 or odayani@ci.san-marcos.ca.us. Your prompt attention to this issue would be greatly appreciated.

Sincerely,

Omar Dayani
Project Manager
City of San Marcos

OD:rl

c: Alan Schuler, City Engineer
Gena Franco, Deputy City Engineer
Stephan Vance, SANDAG
Richalene Kelsay, Caltrans
Christine Carrington, Caltrans

2001 JAN -4 AM 10:32

Dayani\projects\rail trail\sandag\Pilgrim Creek Credit purchase cover letter

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

UNION BANK OF CALIFORNIA
669 S. Rancho Santa Fe Road
San Marcos, CA 92069

16-49
1220

# City of San Marcos

1 Civic Center Drive
San Marcos, CA 92069-2918
(760) 744-1050

VOID IF NOT CASHED WITHIN 90 DAYS

| CHECK DATE | CHECK NO. | CHECK AMOUNT |
|---|---|---|
| 01/02/01 | 007113 | ****108,000.00 |

PAY One-Hundred-Eight-Thousand Dollars and No Cents

TO THE ORDER OF
SANDAG(SAN DIEGO ASSOC/GOV'TS)
401 B STREET SUITE #800
SAN DIEGO CA 92101

⑈007113⑈ ⑆122000496⑆ 08600 20084⑈

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

VENDOR NO. 447

VENDOR NAME SANDAG(SAN DIEGO ASSOC/GOV'TS)

| DATE | INVOICE NO. | DESCRIPTION | PO NO. | ACCOUNT NO. | AMOUNT |
|---|---|---|---|---|---|
| 10/11/00 | 101100 | OCEANSIDE/ESCONDIDO BIKEWAY PROJECT RIPARIAN HABITAT PURCHASE | | 401-00-600006-8049 | 108,000.00 |

| CHECK DATE | CHECK NUMBER | | | | CHECK AMOUNT |
|---|---|---|---|---|---|
| 01/02/01 | 007113 | | | | 108,000.00 |

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR. IF UNKNOWN, CALL 800-523-2422

M98SF007757M 9/99

San Diego
ASSOCIATION OF
GOVERNMENTS

401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 595-5300 • Fax (619) 595-5305
www.sandag.org

January 8, 2001

Omar Dayani
Project Manager
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Dear Mr. Dayani:

This correspondence acknowledges receipt of Check Number 007113 dated January 2, 2001 in the amount of $108,000. This payment is for the purchase of 0.90 acres of mitigation credits from the Pilgrim Creek Mitigation Bank to satisfy an offsite mitigation requirement for your Oceanside – Escondido Bikeway Project.

The approved Banking Instrument governs the sale of these mitigation credits. I am, by copy of this correspondence, notifying the U.S. Army Corps of Engineers and the California Department of Fish and Game of this transaction, as required under the Accounting Procedure in the Banking Instrument.

Attached is the updated Pilgrim Creek Mitigation Bank Acreage Summary further documenting your mitigation credit purchase and thank you for your participation in this *TransNet* program.

Sincerely,

RICHARD G. CHAVEZ
Senior Engineer

RC/jdk

Attachment

cc: John P. Carroll, U.S. Army Corps of Engineers
Mark Tucker, U.S. Army Corps of Engineers
Fari Tabatabai, U.S. Army Corps of Engineers
C. F. Raysbrook, California Department of Fish and Game
Michelle McCartt, Caltrans District 11
*TransNet* Program Files
Administration & Finance Files

# *TransNet* Pilgrim Creek Mitigation Bank

## Acreage Summary

| | |
|---|---|
| Beginning Balance | 49.80 (acres) |

**Acres Used**

| Agency/Company | Project | Debit | Balance | Invoice | Payment |
|---|---|---|---|---|---|
| Caltrans | 76-West Expressway | 27.80 | 22.00 | | |
| Caltrans | 76-West (Additional Guajome Impact) | 1.20 | 20.80 | | |
| City of Oceanside | North Avenue Extension | 1.60 | 19.20 | | 02/25/1998 |
| Kaufman & Broad | Residential (Olive Drive/Emerald Ave) | 0.25 | 18.95 | | 07/08/1999 |
| City of Oceanside | Rancho Del Oro Road Extension | 1.41 | 17.54 | | 07/26/1999 |
| Castello Inc. | Industrial/Commercial (Mission Rd/Rancheros Dr) | 0.69 | 16.85 | | 09/12/2000 |
| Caltrans | Various Maintenance Projects | 1.00 | 15.85 | 12/06/2000 | |
| San Marcos | Oceanside - Escondido Bikeway | 0.90 | 14.95 | | 01/04/2001 |

**Acres Available for Sale**

| Date Cleared/Used | Acres Cleared | Acres Used | Total Cleared | Total Used | Acres for Sale |
|---|---|---|---|---|---|
| 01/01/1995 | 30.60 | 27.80 | 30.60 | 27.80 | 2.80 |
| 01/01/1996 | 0.00 | 1.20 | 30.60 | 29.00 | 1.60 |
| 02/25/1998 | 0.00 | 1.60 | 30.60 | 30.60 | 0.00 |
| 08/10/1999 | 7.68 | 0.00 | 38.28 | 30.60 | 7.68 |
| 07/08/1999 | 0.00 | 0.25 | 38.28 | 30.85 | 7.43 |
| 07/26/1999 | 0.00 | 1.41 | 38.28 | 32.26 | 6.02 |
| 09/12/1999 | 0.00 | 0.69 | 38.28 | 32.95 | 5.33 |
| 12/06/2000 | 0.00 | 1.00 | 38.28 | 33.95 | 4.33 |
| 01/04/2001 | 0.00 | 0.90 | 38.28 | 34.85 | 3.43 |

**Letters of Interest**

| Agency/Company | Project | Letter Dated | Acres | Total Acres |
|---|---|---|---|---|
| SD Co. Water Authority | Emergency Storage | 12/13/2000 | 6.00 | 6.00 |

# Appendix B

# Visual Simulations

**Key View 1: Existing**

**Key View 1 - Visual Simulation with the Proposed Project**

**Key View 2 – Existing**

**Key View 2 –Visual Simulation with the Proposed Project**

**Key View 3 – Existing**

**Key View 3 – Visual Simulation with the Proposed Project**

**Key View 4 – Existing**

**Key View 4 - Visual Simulation with the Proposed Project**

**Key View 5 – Existing**

**Key View 5 – Visual Simulation with the Proposed Project**

**Key View 6 – Existing**

**Key View 6 - Visual Simulation with the Proposed Project**

Appendix C

1999 Oceanside – Escondido Bikeway
Project Final MND (Bound Separately)

Appendix D

Supplemental Historic Property Survey Report
(Bound Separately)

Appendix E

Hazardous Waste Initial Site Assessment
(Bound Separately)

Appendix F

Natural Environment Study (Bound Separately)

Appendix G

Construction Noise Memorandum
(Bound Separately)

Appendix H

Visual Impact Assessment (Bound Separately)

# Appendix I

# Mitigation Monitoring and Reporting Program

# Appendix I
# Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA; California Public Resources Code §21081.6) requires public agencies to adopt a monitoring and reporting program for the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. In order to ensure implementation of the mitigation measures and design features identified in the Subsequent Mitigated Negative Declaration (MND), SANDAG shall adopt a Mitigation Monitoring and Reporting Program (MMRP). This MMRP has been prepared in accordance with the proposed San Marcos-to-Vista segment of the Inland Rail Trail Project, the environmental effects of which have been evaluated in a Subsequent MND prepared in compliance with CEQA and the CEQA Guidelines.

This MMRP identifies the mitigation measures and design features that shall be implemented by SANDAG as the responsible party and the timing of implementation. SANDAG may delegate the reporting or monitoring responsibilities identified below to another entity that accepts the delegation (such as a construction contractor). However, until the mitigation measures and design features included in the MMRP have been completed, SANDAG remains responsible for ensuring that implementation occurs in accordance with the adopted program (CEQA Guidelines §15097[a]).

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **Aesthetics - Design Features** | | | | | |
| Any riparian and/or upland vegetation removal necessary in order to provide space for construction activities will be replaced. The planting palette and/or revegetation plan shall be developed in coordination with Caltrans, the City of San Marcos, City of Vista, City of Oceanside, and County of San Diego. Preference will be given towards native species. Species native to Buena Creek shall be used when revegetating Buena Creek. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| If night-time work or lighting is necessary, a lighting plan shall be developed that requires project lighting to be appropriately shielded. If required, the lighting plan shall be developed by the construction contractor and submitted to SANDAG for approval prior to commencement of any work involving lighting. The project's lighting design shall, where feasible, be consistent with the corresponding City or County lighting guidelines and standards, and it will be developed in coordination with City or County staff. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| Relevant design guidelines identified in City of Vista, City of San Marcos, City of Oceanside, and County of San Diego General Plans and ordinances would be incorporated into design of the proposed project where feasible, including but not limited to guidelines related to lighting, architecture, and signage. Lighting would comply with City of San Marcos, City of Vista, and County of San Diego's policies and regulations where feasible. Lighting shall be designed to minimize light pollution and glare. | Prior to construction | SANDAG | ☐ | _____ | |
| Fencing and walls will incorporate City of San Marcos, City of Vista, City of Oceanside, and County of San Diego's policies and regulations where feasible. Pursuant to City of Vista's LUCI Policy 6.6, perimeter walls within the City of Vista shall incorporate graffiti-resistant materials, construction techniques, or other techniques to minimize the potential for vandalism. | Prior to construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| For any slopes greater than 15 percent, the project shall be designed to minimize grading requirements by conforming to natural contours whenever feasible. Slopes shall be landscaped with natural vegetation to stabilize slopes, reduce erosion, and enhance visual appearance. | Prior to construction | SANDAG | ☐ | _____ | |
| Where feasible, SANDAG and the construction contractor shall preserve healthy mature trees (defined as trees equal to or larger than 15-inch circumference or approximately 5-inch diameter at breast height); where removal is necessary, trees shall be replaced at a ratio of 1:1 (this measure also is identified as mitigation measure BIO-17 for biological resources). | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **Biological Resources – Design Features** | | | | | |
| Except for areas within 500 feet of thread-leaved brodiaea Critical Habitat and Buena Creek, landscaping shall utilize a native drought tolerant plant palette to the maximum extent practicable and shall not include species considered invasive by the California Invasive Plant Council (see mitigation measures BIO-2 and BIO-16 for landscaping requirements within 500 feet of thread-leaved brodiaea Critical Habitat and Buena Creek, respectively). | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| Except what is permitted to eradicate arundo, the contractor shall not apply rodenticides or herbicides in the project area during construction activities. | During construction | SANDAG | ☐ | _____ | |
| The contractor shall dispose of all food-related trash in closed containers, and shall remove it from the project area each day during the construction period. Construction personnel shall not feed or otherwise attract wildlife to the project area. | During construction | SANDAG | ☐ | _____ | |
| In the unlikely event a worker inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped, the Resident Engineer shall immediately report the incident to the project biologist. | During construction | SANDAG | ☐ | _____ | |
| Project-related vehicles and construction equipment shall be restricted to designated work areas by the Resident Engineer. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| If any wildlife is encountered during construction, said wildlife shall be allowed to leave the construction area unharmed. | During construction | SANDAG | ☐ | _____ | |
| Prior to arrival at the project site and prior to leaving the project site, the construction contractor shall clean all construction equipment that may contain invasive plants or seeds to reduce the spreading of noxious weeds. | During construction | SANDAG | ☐ | _____ | |
| **Biological Resources – Mitigation Measures** | | | | | |
| **BIO-1**: Prior to initiating construction, the construction contractor shall install ESA fencing along the project limits to avoid encroachment into thread-leaved brodiaea Critical Habitat, and to avoid identified thread-leaved brodiaea specimens. During the construction period, the project biologist shall inspect the construction limits monthly adjacent to thread-leaved brodiaea Critical Habitat areas to ensure sensitive locations remain undisturbed. | Prior to construction / During construction | SANDAG | ☐ | _____ | |
| **BIO-2**: SANDAG shall ensure that within 500 feet of thread-leaved brodiaea Critical Habitat, any landscaping installed as part of the project shall consist of a biologist approved plant palette from native, locally adapted species. Any landscaping for the remainder of the project shall utilize a native drought tolerant plant palette to the maximum extent practicable and shall not include species considered invasive by the California Invasive Plant Council. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **BIO-3**: All onsite unpaved roads and off-site unpaved access roads, land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities within 500 feet of thread-leaved Critical Habitat shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **BIO-4**: SANDAG shall conduct environmental awareness training prior to the onset of project work in proximity to thread-leaved brodiaea Critical Habitat for construction personnel discussing thread-leaved brodiaea and its Critical Habitat. | Prior to construction | SANDAG | ☐ | _____ | |
| **BIO-5**: Where feasible, the construction contractor shall install ESA fencing with a minimum 2 foot setback of all thread-leaved brodiaea specimens prior to any ground disturbance or vegetation removal activities. The project biologist shall be present during the installation of thread-leaved brodiaea ESA fencing. | Prior to construction / During construction | SANDAG | ☐ | _____ | |
| **BIO-6**: Where installation of a minimum 2 foot setback is not feasible, SANDAG and the project biologist shall coordinate relocation of thread-leaved brodiaea specimens to a conservation area located adjacent to the project area, or at another CDFW and USFWS-approved location. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **BIO-7**: Where plant relocation is required, the corms shall be relocated by a licensed landscape contractor experienced in brodiaea translocation using corms and soil block or clump translocation per the following:<br><br>During the fall dormant season (September 1 –November 30) large clumps of soil (approximately 4 square feet) containing the brodiaea corms shall be removed to a depth of 8 to 12 inches. Soil clumps shall be immediately moved to a prepared, USFWS and CDFW approved site and installed in a manner that replicates the surface elevation of the donor site. The clumps shall be carefully transported to ensure that they are not fragmented or impacted during the move. Any corms found on the margins of the blocks or which fall out during the excavation process shall be transplanted by hand.<br><br>After installation, the spaces between the blocks shall be filled with native soils, gently compacted, and irrigated to prevent the formation of cracks or air pockets. Three inches of weed seed-free mulch shall be laid over the installed soil to prevent drying out of the corms or invasion by exotics, where appropriate. A locally native seed mix shall be applied in September 1 –December 15 to the transplantation area no more than 2 weeks after the completion of relocation activities. The seed mix shall contain species compatible with thread-leaved brodiaea and shall include species attractive to native pollinators. All relocation activities shall be monitored by the project biologist. Transplantation shall be coordinated with CDFW and USFWS prior to initiation. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **BIO-8**: SANDAG shall use the mitigation ratios for impacts to sensitive biological habitats established in the Draft North County MSCP. The 2009 Draft North County MSCP establishes a mitigation ratio of 1:1 for all riparian forest (e.g. south coast live oak riparian forest) and freshwater marsh habitats in the Buena Creek area. | Prior to construction | SANDAG | ☐ | _____ | |
| **BIO-9**: SANDAG and the construction contractor shall mark the Buena Creek and all associated riparian and wetland vegetation as ESA and it shall be either staked or fenced with orange snow fencing to ensure the construction areas will not encroach further than the work limits designated in the environmental permits. During the construction period, the project biologist shall inspect the construction limits monthly, or less as warranted, in proximity to Buena Creek to ensure sensitive locations remain undisturbed. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **BIO-10**: At construction completion, SANDAG shall ensure that the portion of Buena Creek within the project impact area will be revegetated with native riparian trees and understory. Species selected for the revegetation shall be selected from reference sites located along Buena Creek. | During construction / After construction | SANDAG | ☐ | _____ | |
| **BIO-11**: The construction contractor shall avoid downing of riparian vegetation during the yellow warbler breeding season (April 1st-September 1st). Should work in proximity to Buena Creek occur within the nesting season, the project biologist shall conduct preconstruction nesting surveys within 100 feet of project construction limits for yellow warbler within 2 weeks before construction clearing and grubbing activities in proximity to Buena Creek begin. | During construction | SANDAG | ☐ | _____ | |
| **BIO-12**: To protect nocturnal riparian species during construction, no night work (defined as the period between one hour prior to dusk and one hour after dawn) shall be permitted within 100 feet of the Buena Creek riparian corridor. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **BIO-13**: To minimize permanent lighting within the Buena Creek riparian corridor, all trail lighting proposed to be established within 30 feet of Buena Creek shall be shielded and directed away from the creek. Project wide, all proposed trail lighting shall be in compliance with local lighting regulations. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **BIO-14**: Prior to clearing and grubbing arundo infested areas, the construction contractor shall cut all arundo approximately 1 foot from the ground and the biomass removed from the area. The stumps shall then be cut to ground level (within two to four inches of the substrate) and full strength Glyphosate Rodeo (with a surfactant), approved for use in wetlands, shall be directly applied to the entire cut surface of the stem with a paint brush, sponge, finger trigger spray bottle, backpack sprayer or similar localized herbicide delivery method within one to two minutes after stem cutting. A wetland approved surfactant shall be included in the Glysophate Rodeo in the amount directed by label recommendations.<br><br>Care shall be taken to avoid application to adjacent vegetation. Dye shall be added to the Glyphosate Rodeo solution to mark treated stumps and ensure full coverage. The contractor is required to complete two or more rounds of arundo eradication to ensure plant material is dead, as determined by the project biologist. Each application shall be completed at least 2 weeks apart. Contractor shall allow a minimum of 14 days after the last Glyphosate Rodeo application prior to disturbing or removing underground roots. Rhizomes and roots easily break and separate during attempts at removal. All roots, rhizomes and parts thereof shall be completely removed from the project area by hand tools, backhoe or similar equipment; at no time shall arundo or parts thereof be allowed to enter the live stream. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **BIO-15**: If active yellow warbler nests are found within the survey area, a minimum no disturbance buffer of 100 feet shall be established as ESA by the project biologist. Exact buffer distance and sound restrictions will be established through coordination with CDFW. ESA buffer restrictions shall remain until the project biologist determines the juveniles have fledged. | During construction | SANDAG | ☐ | _____ | |
| **BIO-16**: Within 500 feet of Buena Creek, SANDAG shall ensure that all landscaping installed as part of the project shall consist of a biologist approved plant palette from native, locally adapted species. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **BIO-17**: Where feasible, SANDAG and the construction contractor shall preserve healthy mature trees (defined as trees equal to or larger than 15" in circumference or approximately 5" diameter at breast height); where removal is necessary, trees shall be replaced at a minimum ratio of 1:1. | During construction | SANDAG | ☐ | _____ | |
| **BIO-18**: Within the boundaries of the MHCP, SANDAG shall use the mitigation ratios for impacts to non-native grassland habitats established in the 2003 MHCP. The 2003 MHCP establishes a mitigation ratio of 0.5:1 for impacts to non-native grassland. As the project occurs outside the boundaries of designated focused planning areas, mitigation shall occur at an offsite location through purchase of mitigation credits at an agency approved ratio from an agency approved conservation bank, or through the purchase and permanent conservation of habitat lands inside a focused planning area. Conserved habitat may be out-of-kind, if it is shown to be a viable addition to the regional preserve system. | Prior to construction | SANDAG | ☐ | _____ | |

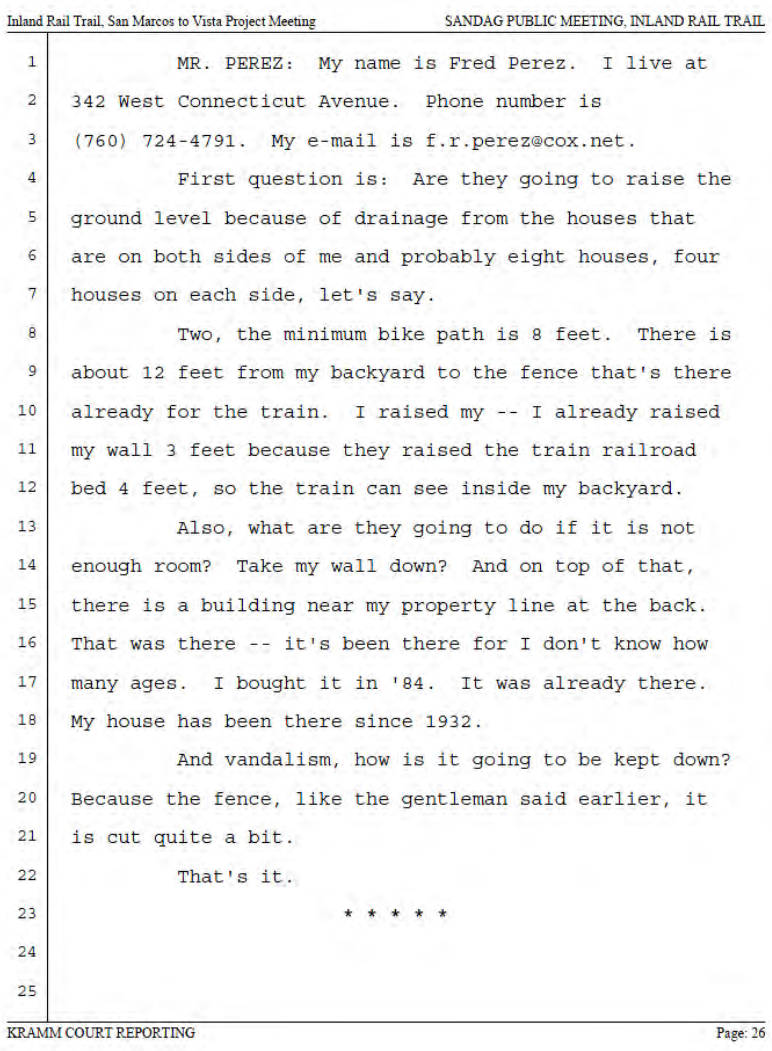
| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **Cultural Resources** | | | | | |
| **CUL-1**: Prior to the start of construction, a qualified archaeologist will be retained with an on call contract and the resident engineer will ensure that emergency contact information is retained at the job site throughout construction. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find and determine if additional cultural or Native American consultation is necessary. | Prior to construction / During construction | SANDAG | ☐ | _____ | |
| **Hazards and Hazardous Materials** | | | | | |
| **HAZ-1**: A brush management plan shall be incorporated during project construction. Construction within areas of dense foliage during dry conditions should be avoided. In cases where avoidance is not feasible, necessary brush fire prevention and management practices shall be incorporated. Specifics of the brush management program will be determined as site plans for the project are finalized. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **Hydrology and Water Quality** | | | | | |
| **WQ-1**: Due to regulation of these water bodies by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife, a nationwide permit pursuant to Section 404 of the Clean Water Act and Streambed Alteration Agreement pursuant to Section 1602 of the Fish and Game Code would be obtained. In addition, SANDAG would obtain water quality certification pursuant to Section 401 of the Clean Water Act from the San Diego Regional Water Quality Control Board.<br><br>Mitigation for any impacts to jurisdictional waters or wetlands not covered by the mitigation credits purchased by City of San Marcos in 2001 (as determined through consultation among SANDAG, USACE and CDFW) shall be provided either through the purchase | Prior to construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| of credits at an existing authorized mitigation bank or in lieu fee program, or through project-specific mitigation. As explained in BIO-11, SANDAG shall perform on-site restoration for the less than 0.01 acre of permanent impact to freshwater marsh habitat anticipated due to the bridge proposed over Buena Creek, or otherwise perform mitigation as required by USACE and CDFW permit conditions. A minimum on-site mitigation/restoration ratio of 1:1 shall be provided for temporary impacts, unless USACE and CDFW determine otherwise higher ratio.<br><br>A mitigation and monitoring plan completed per the requirements of USACE and CDFW shall be prepared for all impacts to jurisdictional waters. This plan shall include details regarding site appropriateness, preparation (e.g., grading), recontouring, planting specifications (including seed mixes and plant palettes), and irrigation design (if determined necessary), as well as maintenance and monitoring procedures (including monitoring period and reporting). Impacts to other sensitive vegetation communities that may occur as the result of implementing this measure include direct loss and indirect effects related to changes in hydrology and species composition. The plan shall also identify locally appropriate plant species for the mitigation/restoration plan, and outline yearly success criteria and remedial measures should the mitigation effort fall short of the success criteria. Success criteria shall be sufficient to create self-sustaining habitat providing the functions and values required to offset those lost to the impacts and meet the requirements of all applicable agency and adopted plans, ordinances, and policies. Remedial measures typically include, but are not limited to, replanting, reseeding, grading adjustments, supplemental irrigation, access control, increased weed control, and extended maintenance and monitoring periods. | | | | | |
| **WQ-2**: Appropriate erosion control measures would be installed such as hay bales, sand bags, and silt curtains. | During construction | SANDAG | ☐ | _____ | |

| Design Feature or Mitigation Measure | Timing | Responsible Party | Completed | Initials | Notes (optional) |
|---|---|---|---|---|---|
| **WQ-3**: Buffer zones would be established at the down gradient boundaries of disturbed areas to prevent wash-off into channels. Buffer zones may be vegetated (grass) or hay baled. Buffer zones serve to reduce overland flow velocities and trap eroded sediment that would otherwise migrate toward drainage channels. | During construction | SANDAG | ☐ | _____ | |
| **WQ-4**: If necessary, siltation basins would be constructed in drainage channels to capture sediment. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **WQ-5**: Storm water management plans, as required by state and local regulation for construction sites shall be prepared. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **WQ-6**: Right-of-way bridge piers and culverts constructed within channels would be designed to minimize disruption of flow regimes, channel scour and downstream deposition of sediment. | Prior to construction (prepare plans) / During construction (implement) | SANDAG | ☐ | _____ | |
| **Noise** | | | | | |
| **NOI-1**: All construction shall occur during times allowed by the noise ordinance of each local jurisdiction:<br>• *City of Vista:* Monday through Saturday, 7 a.m. to 7 p.m.<br>• *City of San Marcos:* Monday through Friday, 7:00 a.m. to 6:00 p.m.; Saturday, 8:00 a.m. 5:00 p.m.<br>• *City of Oceanside:* Monday through Friday, 7:00 a.m. to 6:00 p.m.<br>• *County of San Diego:* Monday through Friday, 7 a.m. to 7 p.m. If weekend construction is required for the portion in unincorporated County of San Diego, SANDAG would be required to obtain prior approval from the County Department of Public Works. | During construction | SANDAG | ☐ | _____ | |

# Appendix J

# Public Comments and SANDAG Responses



Inland Rail Trail, San Marcos to Vista Project Meeting SANDAG PUBLIC MEETING, INLAND RAIL TRAIL

MR. PEREZ: My name is Fred Perez. I live at 342 West Connecticut Avenue. Phone number is (760) 724-4791. My e-mail is f.r.perez@cox.net.

First question is: Are they going to raise the ground level because of drainage from the houses that are on both sides of me and probably eight houses, four houses on each side, let's say.

Two, the minimum bike path is 8 feet. There is about 12 feet from my backyard to the fence that's there already for the train. I raised my -- I already raised my wall 3 feet because they raised the train railroad bed 4 feet, so the train can see inside my backyard.

Also, what are they going to do if it is not enough room? Take my wall down? And on top of that, there is a building near my property line at the back. That was there -- it's been there for I don't know how many ages. I bought it in '84. It was already there. My house has been there since 1932.

And vandalism, how is it going to be kept down? Because the fence, like the gentleman said earlier, it is cut quite a bit.

That's it.

* * * * *

KRAMM COURT REPORTING Page: 26

**Comment A**
**Fred Perez**

A-1

**A-1**
The preliminary design of the trail shows that the proposed project would closely match the existing elevation. The proposed project would also have a cross slope draining towards the tracks into a proposed drainage ditch and drain away from private property. The Draft Subsequent Mitigation Negative Declaration (MND) evaluates potential drainage impacts in Section IX. Hydrology and Water Quality, and concludes that the hydrology and drainage impacts of the proposed project would be less than significant.

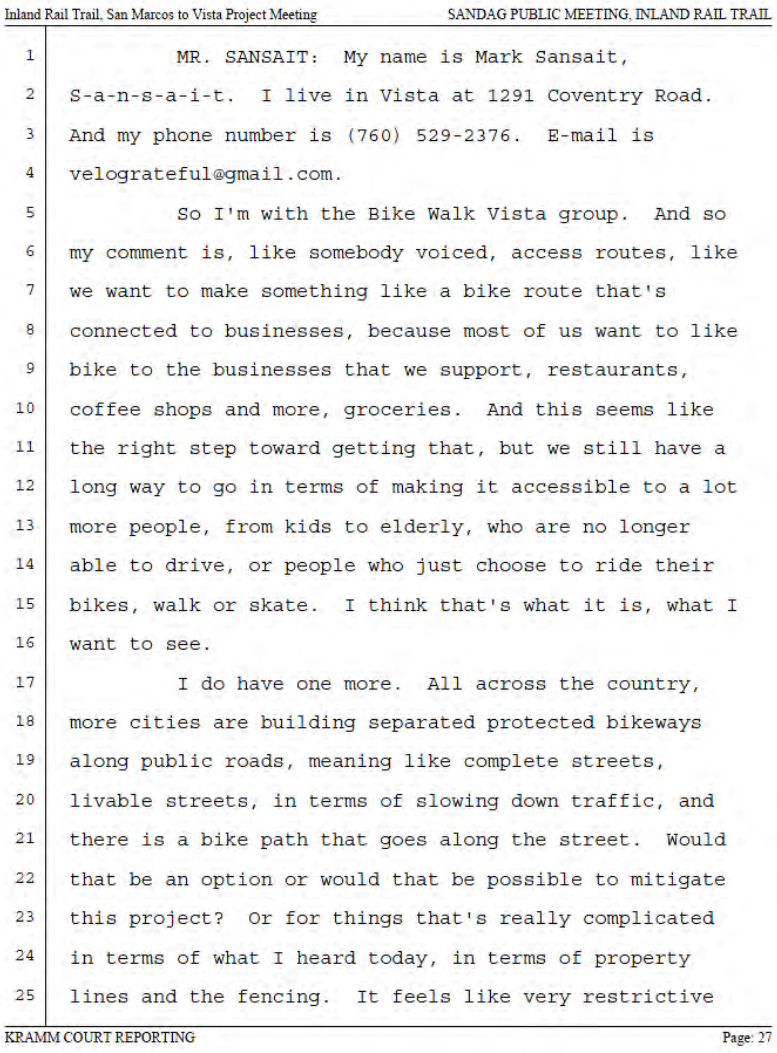
A-2

**A-2**
There is a width of approximately 20 feet between the North County Transit District (NCTD) safety buffer and the residential private property lines in which the proposed project would be constructed. As described in the Draft MND, a typical section of the proposed project would have a total width of 14 feet, and a minimum section would have a total width of 12 feet. With the dimensions of the typical and minimum sections, and the approximately 20 feet available between the safety buffer and the residential private property lines, SANDAG does not anticipate the removal of, or any other impacts to, the private property of this resident, including but not limited to the existing wall or other structures located on private property. However, the preliminary design assumes that the location of the NCTD right-of-way property line is along the existing homeowner fences; the precise location of the right-of-way will be confirmed during the final design phase. This comment does not raise any environmental issues that CEQA required be addressed in the MND.

A-3

**A-3**

Upon completion of project construction by SANDAG, the cities of Vista and San Marcos, and the County of San Diego, would assume responsibility for maintenance of the portion of the bike path within their jurisdiction, including the performance of any maintenance that is necessary as a result of acts of vandalism. Neither this comment, the other comments provided on the Draft MND, or other information in the record provide substantial evidence that the proposed project would result in vandalism that would cause significant physical changes to the existing environment.



Inland Rail Trail, San Marcos to Vista Project Meeting SANDAG PUBLIC MEETING, INLAND RAIL TRAIL

MR. SANSAIT: My name is Mark Sansait, S-a-n-s-a-i-t. I live in Vista at 1291 Coventry Road. And my phone number is (760) 529-2376. E-mail is velograteful@gmail.com.

So I'm with the Bike Walk Vista group. And so my comment is, like somebody voiced, access routes, like we want to make something like a bike route that's connected to businesses, because most of us want to like bike to the businesses that we support, restaurants, coffee shops and more, groceries. And this seems like the right step toward getting that, but we still have a long way to go in terms of making it accessible to a lot more people, from kids to elderly, who are no longer able to drive, or people who just choose to ride their bikes, walk or skate. I think that's what it is, what I want to see.

I do have one more. All across the country, more cities are building separated protected bikeways along public roads, meaning like complete streets, livable streets, in terms of slowing down traffic, and there is a bike path that goes along the street. Would that be an option or would that be possible to mitigate this project? Or for things that's really complicated in terms of what I heard today, in terms of property lines and the fencing. It feels like very restrictive

KRAMM COURT REPORTING Page: 27

B-1

**Comment B**
**Mark Sansait**

**B-1**

This comment is noted and will be included in the public record for the proposed project. However, none of the comments in this letter raise issues that CEQA requires be addressed in an MND. To clarify, as described in the Draft MND, the proposed project would provide a Class I bike path for bicycles and pedestrians, separated from vehicle traffic. The proposed project would be located from the termination of an existing portion of the Inland Rail Trail in the City of San Marcos, to the border of the cities of Vista and Oceanside. Upon completion of the proposed project, there would be a continuous bicycle path from the Escondido SPRINTER station in the City of Escondido, through the cities of San Marcos and Vista, to the Oceanside-Vista border. The proposed project would provide bicycle and pedestrian access to five SPRINTER stations, as well as other major destinations, such as Palomar College and Vista Village on Main Street. As a multi-use path separated from vehicle traffic, the proposed project is designed to safely accommodate all users, including bicyclists, pedestrians, transit riders, children, older people, and disabled people. Moreover, the proposed project is identified in the adopted SANDAG Regional Bicycle Plan. This plan presents an interconnected network of different classifications of bicycle facilities that is intended to enable residents to bicycle within and between major regional destinations and activity centers. The proposed project is one part of the interconnected regional network proposed in the Regional Bicycle Plan. As a Class I bike path, the proposed project is intended to provide a critical connection where roadways are absent or not conducive to bicycle travel. The Regional Bicycle Plan identifies other facilities, such as Class II bike lanes and Class II bike routes that would be located along existing roadways.

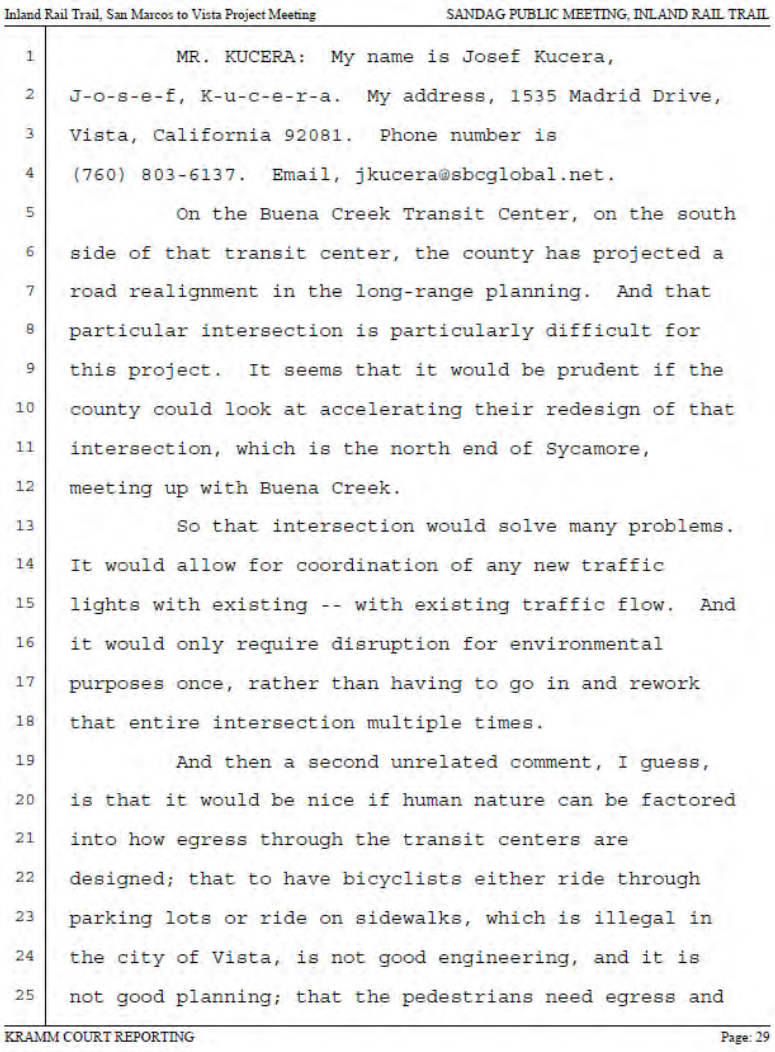
in a way.

So I wonder if they would look into this kind of infrastructure. Washington, D.C., does it, New York City does it, Portland, Long Beach, Los Angeles is doing it as well. So it is making it more accessible to people.

That's it.

* * * * *

B-1
Cont.



Inland Rail Trail, San Marcos to Vista Project Meeting SANDAG PUBLIC MEETING, INLAND RAIL TRAIL

MR. KUCERA: My name is Josef Kucera, J-o-s-e-f, K-u-c-e-r-a. My address, 1535 Madrid Drive, Vista, California 92081. Phone number is (760) 803-6137. Email, jkucera@sbcglobal.net.

On the Buena Creek Transit Center, on the south side of that transit center, the county has projected a road realignment in the long-range planning. And that particular intersection is particularly difficult for this project. It seems that it would be prudent if the county could look at accelerating their redesign of that intersection, which is the north end of Sycamore, meeting up with Buena Creek.

So that intersection would solve many problems. It would allow for coordination of any new traffic lights with existing -- with existing traffic flow. And it would only require disruption for environmental purposes once, rather than having to go in and rework that entire intersection multiple times.

And then a second unrelated comment, I guess, is that it would be nice if human nature can be factored into how egress through the transit centers are designed; that to have bicyclists either ride through parking lots or ride on sidewalks, which is illegal in the city of Vista, is not good engineering, and it is not good planning; that the pedestrians need egress and

KRAMM COURT REPORTING Page: 29

C-1

C-2

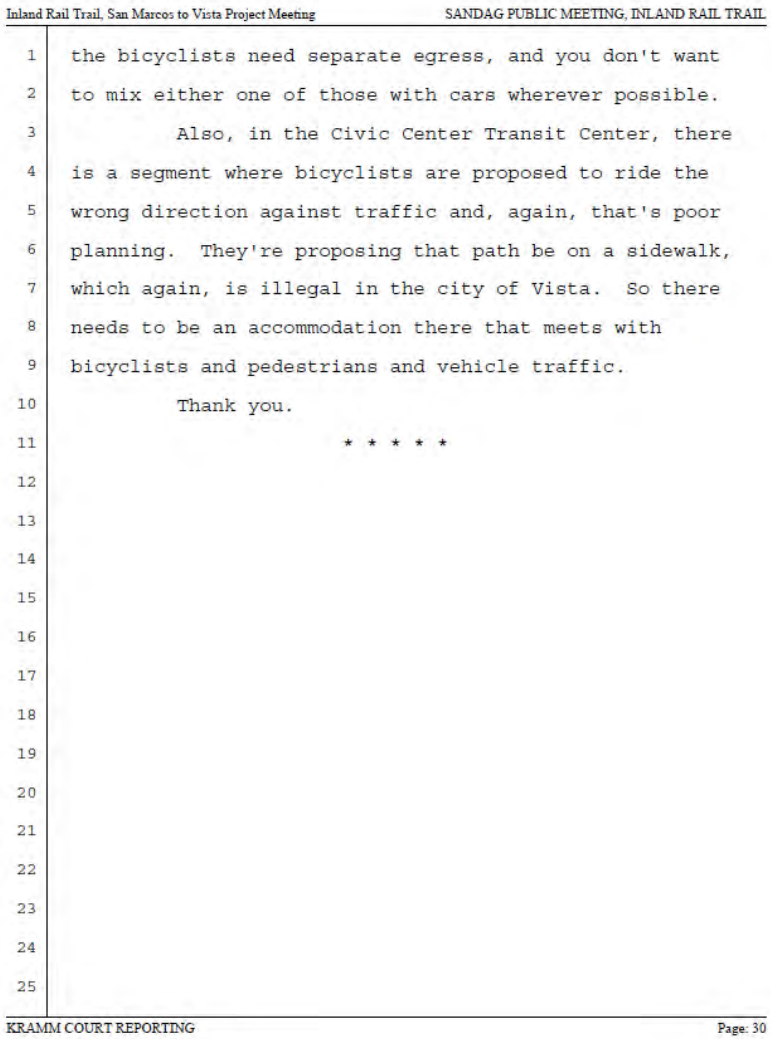
**Comment C**
**Josef Kucera**

**C-1**

This comment is noted and will be included in the public record for the proposed project. The comment is correct that the County of San Diego identifies in its long-range plans the re-alignment of South Santa Fe Avenue near the intersection with Buena Creek Road (located on the south side of the Buena Creek SPRINTER station). However, there is currently no funding or schedule for the design or construction of this road re-alignment. Because there is no funding or schedule for design or construction of the road re-alignment, it would be speculative for SANDAG to evaluate the potential environmental impacts of constructing the proposed project with the assumption that the road re-alignment project would be constructed concurrently. SANDAG is coordinating with the County of San Diego for the design of the proposed project, including the design of the project through Buena Creek Road near the South Santa Fe Avenue/Buena Creek Road intersection. The County of San Diego has the ultimate approval authority over the design of the proposed project within its jurisdiction. This comment does not raise any environmental issues that CEQA requires be addressed in an MND.

**C-2**

SANDAG acknowledges that riding a bicycle on the sidewalk is illegal under the City of Vista Municipal Code (§10.68.100). However, bicyclists riding in parking lots would be considered as moving vehicles. The Inland Rail Trail bike path is intended to be a multi-use path; bicyclists and pedestrians would be permitted to use the path. SANDAG intends to separate the bike trail and from pedestrians at SPRINTER stations where feasible. SANDAG is working with the local agencies and NCTD on the final design of the bike path at SPRINTER stations. The draft MND analyzes the safety of pedestrians and bicyclists and concludes that no significant impacts would occur as a result of the proposed project.



Inland Rail Trail, San Marcos to Vista Project Meeting SANDAG PUBLIC MEETING, INLAND RAIL TRAIL

the bicyclists need separate egress, and you don't want to mix either one of those with cars wherever possible.

Also, in the Civic Center Transit Center, there is a segment where bicyclists are proposed to ride the wrong direction against traffic and, again, that's poor planning. They're proposing that path be on a sidewalk, which again, is illegal in the city of Vista. So there needs to be an accommodation there that meets with bicyclists and pedestrians and vehicle traffic.

Thank you.

* * * * *

KRAMM COURT REPORTING Page: 30

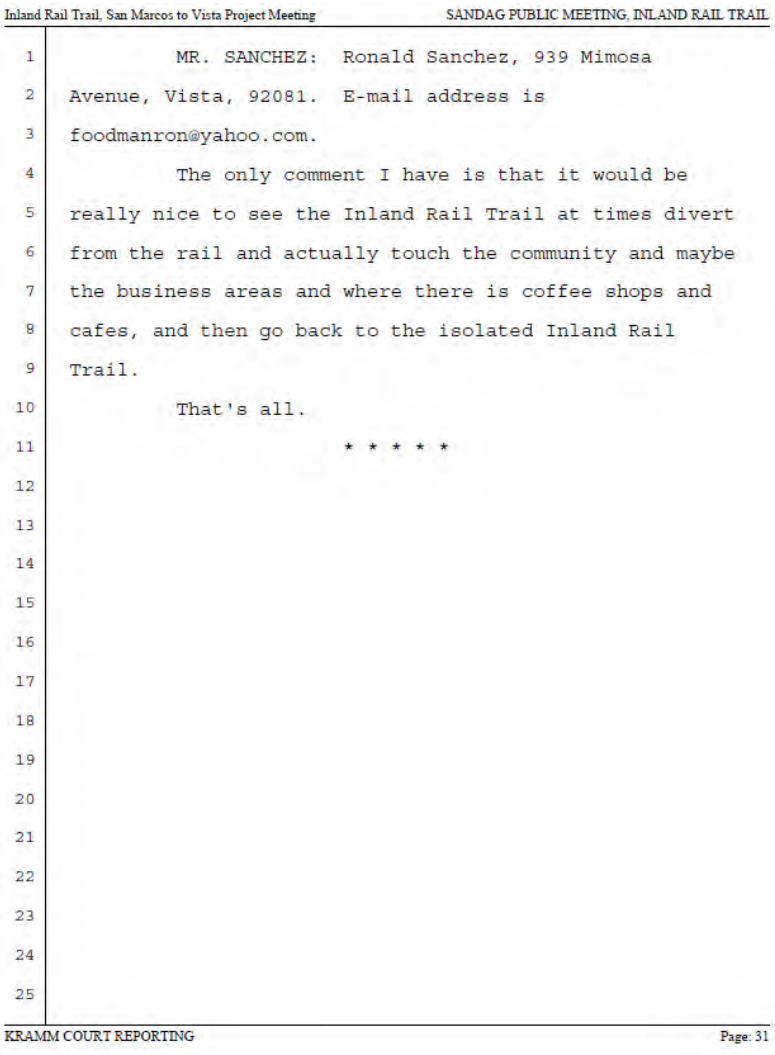
C-2 Cont.

C-3

**C-3**

Along Civic Center Drive west of the transit station, the sidewalk would be widened to up to 12 feet in width and may be re-classified as a multi-use path; a separated sidewalk may not be constructed due to design constraints. It would be similar to the bike path along Woodland Parkway between the SPRINTER line and Rancheros Drive in San Marcos. It is anticipated that fencing would be constructed to have physical separation between the path and motor vehicle traffic.

If the Inland Rail Trail project is approved with sections of the trail on the sidewalk in the City of Vista, an amendment to the City of Vista Municipal Code (§10.68.100) would be required to provide an exception where sidewalks are clearly designated to be part of a multi-use trail with appropriate warnings for pedestrians and bicyclists. The draft MND analyzes the safety of pedestrians and bicyclists and concludes that no significant impacts would occur as a result of the project.



Inland Rail Trail, San Marcos to Vista Project Meeting SANDAG PUBLIC MEETING, INLAND RAIL TRAIL

MR. SANCHEZ: Ronald Sanchez, 939 Mimosa Avenue, Vista, 92081. E-mail address is foodmanron@yahoo.com.

The only comment I have is that it would be really nice to see the Inland Rail Trail at times divert from the rail and actually touch the community and maybe the business areas and where there is coffee shops and cafes, and then go back to the isolated Inland Rail Trail.

That's all.

* * * * *

KRAMM COURT REPORTING Page: 31

D-1

**Comment D**
**Ronald Sanchez**

**D-1**
This comment is noted and will be included in the public record for the proposed project. One of the goals of this project is to provide safe and effective pedestrian and bicycle connectivity.

Coordination with the Cities of Vista and San Marcos, as well as the County of San Diego is ongoing for including additional trail entrance and exit locations. SANDAG has identified and is currently reviewing the feasibility to incorporate the following access points:

- West Connecticut Ave at Calle Chapultepec
- Redland Street at West Orange Street
- Rincon Street
- Kilby Lane
- Phillips Street at Phillips Circle
- Hannalei Drive
- Las Flores Drive

Additional access points, if identified, would be located within the project area evaluated in the Draft MND. This comment does not raise any environmental issues that CEQA requires be addresses in an MND.

**From:** Maya Rosas [mailto:mrosas@walksandiego.org]
**Sent:** Wednesday, June 05, 2013 11:35 AM
**To:** Rodriguez, Emilio
**Subject:** Inland Rail Trail Meeting Tonight

Hi Mr. Rodriguez,

My name is Maya and I'm with Walk San Diego. We are currently in the process of forming a Bike Walk Committee in Vista and so we were hoping to attend the meeting tonight on the Inland Rail Trail Project. Unfortunately we won't be able to make it. E-1

I would like to know more about the project and where it is in its development. Could you please send me any informational material that you plan on sharing at the meeting tonight?

Thank you!

Maya
Maya Rosas
Intern
**WalkSanDiego**
740 13th Street Suite 502
San Diego, CA 92101
619-544-9255 t
619-531-9255 f

**Comment E**
**Maya Rosas**

**E-1**
In response to this comment, Ms. Rosas was provided with Internet links for the Inland Rail Trail Fact Sheet, Inland Rail Trail SANDAG website, and the Public Review Draft of the Subsequent MND. This comment does not raise any environmental issues that CEQA requires be addressed in an MND.

STATE OF CALIFORNIA Edmund G. Brown, Jr., *Governor*

**NATIVE AMERICAN HERITAGE COMMISSION**
1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

June 14, 2013

Mr. Andrew Martin, Associate Environmental Planner

**San Diego Association of Governments (SANDAG)**
401 "B" Street, Suite 800
San Diego, CA 92101

RE: SCH# 1999081121 CEQA Notice of Completion; INITIAL STUDY and proposed Mitigated Negative Declaration for the **Inland Rail Trail Bikeway Project; segment** located from the City of Oceanside to the City of San Marcos; North County Metro; San Diego County, California.

Dear Mr. Martin:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5 (b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required: This area is known to the NAHC to be very culturally sensitive.

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR). This area is known to the NAHC to be very culturally sensitive.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.
Contact has been made to the Native American Heritage Commission for :a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation

F-1

**Comment F**
**Native American Heritage Commission**

**F-1**
As discussed in Section V of the Draft MND, the proposed project was originally evaluated in a Historic Property Survey Report (HPSR) in 1999, and evaluated again with a Supplemental HPSR in 2013. The Draft MND determined that the proposed project would not cause a substantial adverse change in the significance of an historical resource, including an archaeological resource, as defined by CEQA Guidelines §15064.5.

The resource identification efforts described in the HPSR, Supplemental HPSR, and Draft MND that support the Draft MND conclusion of no significant impact to a historical or archaeological resource are summarized below:

- A consultation letter was sent on March 23, 2012 to the Native American Heritage Commission. The NAHC provided a search of sacred lands and no Native American Cultural Resources were identified in the project area. The NAHC also provided a list of interested parties to contact.
- Native American representatives on the list provided by the NAHC were contacted to notify them of the project and solicit concerns. This consultation is summarized in the Supplemental HPSR.
- A records search was obtained from the South Coastal Information Center at San Diego State University.
- A pedestrian survey of the project area was conducted by qualified archaeologists. No resources archaeological or Native American resources were identified.

concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

F-1 Cont.

F-2

**F-2**

The Supplemental HPSR summarized in the Draft MND did not identify any existing cultural resources and determined that the project area yielded a low potential for buried archaeology and historic resources. However, mitigation measure CUL-1 has been included in the proposed project to ensure that potential impacts to any unknown cultural resources, in the unlikely event they are discovered during construction activities, would remain less than significant.

- **CUL-1:** Prior to the start of construction, a qualified archaeologist will be retained with an on call contract and the resident engineer will ensure that emergency contact information is retained at the job site throughout construction. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find and determine if additional cultural or Native American consultation is necessary.

Disturbance to human remains, including those interred outside of formal cemeteries is not anticipated because the project site is already highly disturbed due to construction activity associated with the existing NCTD rail line. If human remains are discovered, California Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. Furthermore, pursuant to Public Resources Code Section 5097.98, if the Coroner recognizes the remains to be Native American, the coroner shall notify the NAHC who will then notify the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor. Further provisions of PRC 5097.98 are to be followed as applicable. Compliance with existing codes would ensure that potential impacts related to disturbance of human remains, in the likely event such impacts occur, remain less than significant.

**Tim Chamberlain**

**From:** Bonnie Kucera <bonnie.kucera@gmail.com>
**Sent:** Friday, June 21, 2013 3:40 PM
**To:** Rodriguez, Emilio; Martin, Andrew
**Cc:** Kucera Joe
**Subject:** More input after attending your meetings...attached is a City of Portland video.

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Hi Emilio and Andrew:

My husband, Joe, and I attended your public input meetings on the Inland Rail Trail (in Vista), and on the Regional Plan (in Oceanside). Thank you for those, and for the opportunity to offer our input!

I promised Emilio at the Inland Rail Trail meeting at the Vista Civic Center that I'd send links to information on cities that have definitely "gotten it" with regard to bike and pedestrian infrastructure, laws, programs, etc. There are a few, but a good one to start with is Portland. See the following link to that video:

http://www.streetfilms.org/portland-celebrating-americas-most-livable-city/

There is a ton of information in there, along with great people you may want to contact. In the video (the whole thing is great, by the way), some segments of note are:

Mia Birk of Alta Planning (who was Portland's great and famous Bike Coordinator from 1993 to 1999) discusses and shows Bike Signals (counter#'s 6:14 and 7:26)
Bike Boulevards (8:50)
Traffic Calming (15:57)
Mass Transit (18:35)
Bike Parking (21:56)
Crosswalk Enforcement Actions (23:03).
And there's so much more... It's all great....

Do take all of the points in the video as important ones that are on our wish list (!)

1

G-1

**Comment G**
**Bonnie Kucera**

**G-1**
These comments are noted and will be included in the public record for the proposed project. However, these comments do not raise any environmental issues that CEQA requires be addressed in an MND.

One thing is certain: We are in dire need of more webs of public transportation with closer access within neighborhoods, greater frequency and MUCH better connections with rail, as well as greatly extended hours of operation (maintaining frequency within all hours). Getting quickly and efficiently from our neighborhood (Shadowridge area in Vista) to the coast, and/or La Jolla (UCSD) / San Diego, etc. without contributing to pollution and traffic congestion is pretty impossible right now. My husband has to rely on a car for his commute to and from work at UCSD each day, and claims that he can actually ride a bike faster to or from work than he can make the trip utilizing public transportation. He's done both a few times. It's "much quicker by bike, in fact" he claims. It is not always practical, however, for him to ride a bike for that long a journey. Personally, when I travel down to UCSD for medical appointments or concerts, I'd love to combine the bike with public transportation, but the intervals between departing buses, trains, etc. are too infrequent, the connection from the Coaster to UCSD is mostly inadequate if not nonexistent when I need it...and the hours of operation don't serve well at all for a person leaving campus to return to North County several hours past 5pm.... Anyway...

Thanks guys, and we so hope to see a lot of improvements begin to happen within a few short years!!! Please do watch the Portland video. It has so much of what we want to see happen here!

- Bonnie Kucera

http://www.streetfilms.org/portland-celebrating-americas-most-livable-city/

**From:** Bonnie Kucera <bonnie.kucera@gmail.com>
**Sent:** Friday, June 21, 2013 3:47 PM
**To:** Rodriguez, Emilio; Martin, Andrew
**Subject:** Here's one more, guys: Cycling Copenhagen, Through North American Eyes on Vimeo

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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G-1
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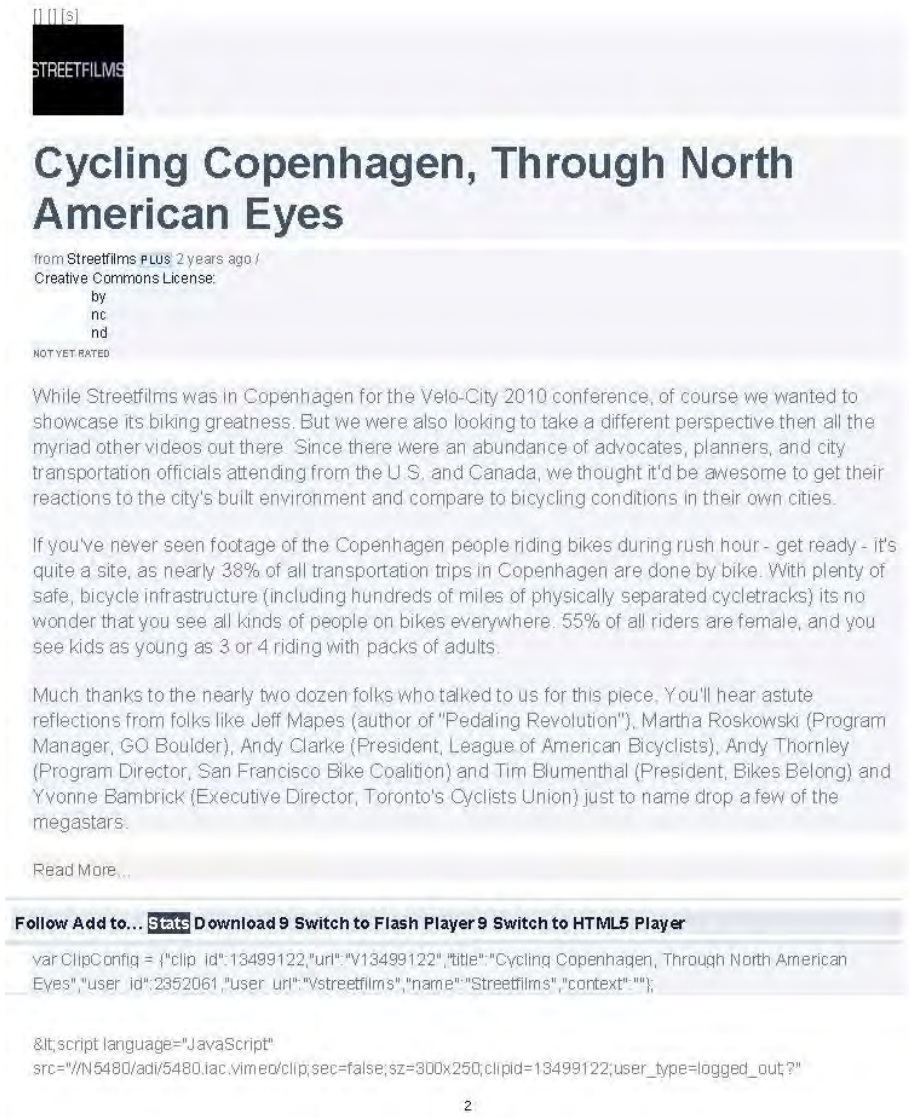

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STREETFILMS

# Cycling Copenhagen, Through North American Eyes

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NOT YET RATED

While Streetfilms was in Copenhagen for the Velo-City 2010 conference, of course we wanted to showcase its biking greatness. But we were also looking to take a different perspective then all the myriad other videos out there. Since there were an abundance of advocates, planners, and city transportation officials attending from the U.S. and Canada, we thought it'd be awesome to get their reactions to the city's built environment and compare to bicycling conditions in their own cities.

If you've never seen footage of the Copenhagen people riding bikes during rush hour - get ready - it's quite a site, as nearly 38% of all transportation trips in Copenhagen are done by bike. With plenty of safe, bicycle infrastructure (including hundreds of miles of physically separated cycletracks) its no wonder that you see all kinds of people on bikes everywhere. 55% of all riders are female, and you see kids as young as 3 or 4 riding with packs of adults.

Much thanks to the nearly two dozen folks who talked to us for this piece. You'll hear astute reflections from folks like Jeff Mapes (author of "Pedaling Revolution"), Martha Roskowski (Program Manager, GO Boulder), Andy Clarke (President, League of American Bicyclists), Andy Thornley (Program Director, San Francisco Bike Coalition) and Tim Blumenthal (President, Bikes Belong) and Yvonne Bambrick (Executive Director, Toronto's Cyclists Union) just to name drop a few of the megastars.

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2

G-1
cont.

**From:** Bonnie Kucera <bonnie.kucera@gmail.com>
**Sent:** Friday, June 21, 2013 3:50 PM
**To:** Rodriguez, Emilio; Martin, Andrew
**Subject:** Guys: Here's the Copenhagen YouTube version in case the Vimeo did not work for yo

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Guys:

I'm sorry if the Vimeo did not work... But I found it on Youtube, also:

http://www.youtube.com/watch?v=vyrTx9SXkVI

Thanks,
Bonnie Kucera

---

**From:** Bonnie Kucera <bonnie.kucera@gmail.com>
**Sent:** Friday, June 21, 2013 4:43 PM
**To:** Rodriguez, Emilio; Martin, Andrew
**Subject:** One last input suggestion: Contact Alta Planning and Design

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Hi Guys:

Here is the website for Alta Planning and Design, (Mia Birk's organization):

http://www.altaplanning.com/mia+birk.aspx

We would consider her input of extreme value in your Planning for San Diego County's future.

Thanks again!
- Bonnie Kucera

G-1
cont.

STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

June 27, 2013

Andrew Martin
401 B Street, Suite 800
San Diego, CA 92101

SENT VIA EMAIL ON JUNE 27, 2013 TO andrew.martin@sandag.org

Dear Mr. Martin:

SUBJECT: SCH# 1999081121; Inland Rail Trail Bikeway

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) and rail transit projects in California. The California Public Utilities Code requires Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) reviews crossing matters. The Commission has received a copy of the *Mitigated Negative Declaration (MND)* from the State Clearinghouse for the proposed Inland Rail Trail Bikeway in City of San Marcos, County of San Diego, and City of Vista. SANDAG is the lead agency.

H-1

According to the MND and supporting documentation, the project would include construction of a bikeway, running along a 7-mile alignment roughly following the North Coast Transit District's Sprinter line. This line has both rail transit and railroad operations. A preliminary review by CPUC staff shows that there are a number of at-grade rail crossings located along this rail segment.

The "Public Review Draft" document states:
"Actual alignments for each at-grade crossing of City and County roadways would be analyzed during final design and would be selected after coordination among SANDAG and local jurisdiction and in accordance with applicable federal, state, and local laws and regulations. Alignments may vary at different at-grade crossings." The project documentation also notes that this will connect to 5 Sprinter stations.

It should be more clearly identified that the California Public Utilities Commission is the agency with jurisdiction over rail crossing design and configuration.

**Comment H**
**California Public Utilities Commission**

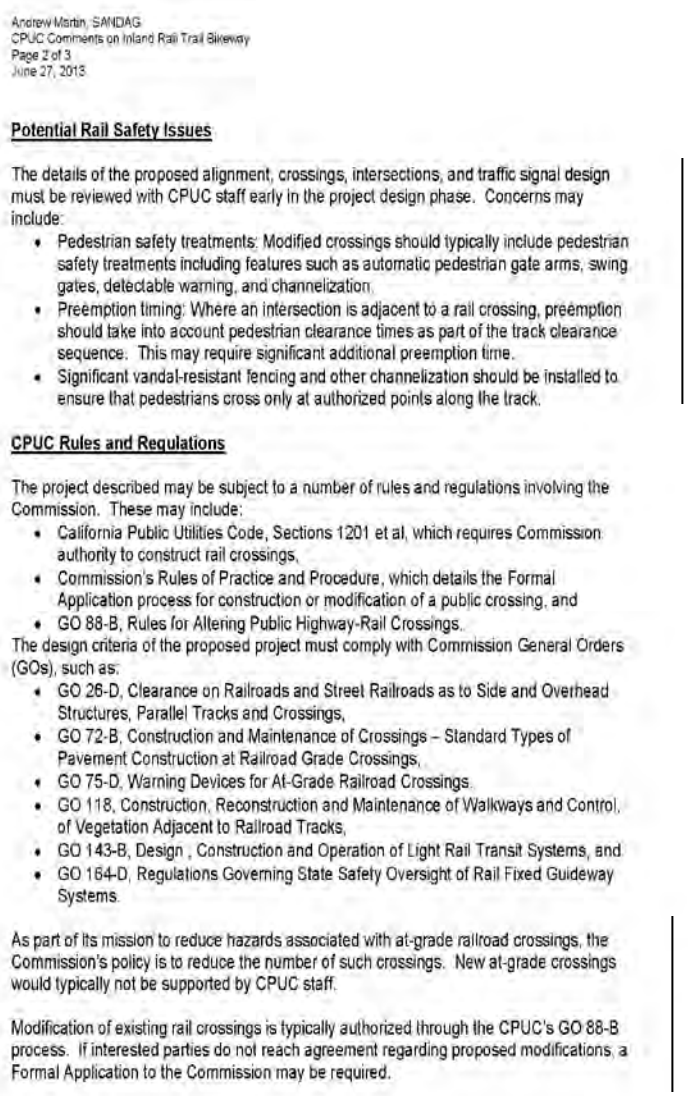
**H-1**
SANDAG acknowledges receipt of the letter dated June 27, 2013 from the California Public Utilities Commission. However, this comment does not raise any environmental issues that CEQA requires be addressed in an MND.

To clarify, the quote from the Draft MND cited in this comment refers solely to at-grade crossings of City and County roadways – it does not refer to rail crossings. The text of the project description related to at-grade crossings of City and County roadways is provided below (see pages 5-6 of the Final MND):

***Potential Alignments for At-Grade Roadway Crossings***

*The environmental analysis of this Subsequent MND considers two possible alignments for at-grade crossings of City and County roadways. One possible alignment would have the proposed project depart the NCTD ROW at the City or County roadway, then run parallel with the roadway away from the railroad tracks to the nearest roadway intersection, at which the proposed project would cross the roadway. The proposed project would then run parallel with the roadway toward the railroad tracks, at which point it would re-enter NCTD ROW. Under this alignment, the proposed project would typically run along a 10-foot-wide sidewalk, which would operate as a multi-use path. The other possible alignment would cross the roadway directly, parallel to NCTD railroad tracks.*

*Actual alignments for each at-grade crossing of City and County roadways would be analyzed during final design and would be selected after coordination among SANDAG and local jurisdictions and in accordance with applicable laws and regulations. Alignments may vary at different at-grade crossings.*



Andrew Martin, SANDAG
CPUC Comments on Inland Rail Trail Bikeway
Page 2 of 3
June 27, 2013

**Potential Rail Safety Issues**

The details of the proposed alignment, crossings, intersections, and traffic signal design must be reviewed with CPUC staff early in the project design phase. Concerns may include:

- Pedestrian safety treatments: Modified crossings should typically include pedestrian safety treatments including features such as automatic pedestrian gate arms, swing gates, detectable warning, and channelization.
- Preemption timing: Where an intersection is adjacent to a rail crossing, preemption should take into account pedestrian clearance times as part of the track clearance sequence. This may require significant additional preemption time.
- Significant vandal-resistant fencing and other channelization should be installed to ensure that pedestrians cross only at authorized points along the track.

H-2

**CPUC Rules and Regulations**

The project described may be subject to a number of rules and regulations involving the Commission. These may include:

- California Public Utilities Code, Sections 1201 et al, which requires Commission authority to construct rail crossings,
- Commission's Rules of Practice and Procedure, which details the Formal Application process for construction or modification of a public crossing, and
- GO 88-B, Rules for Altering Public Highway-Rail Crossings.

The design criteria of the proposed project must comply with Commission General Orders (GOs), such as:

- GO 26-D, Clearance on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings,
- GO 72-B, Construction and Maintenance of Crossings – Standard Types of Pavement Construction at Railroad Grade Crossings,
- GO 75-D, Warning Devices for At-Grade Railroad Crossings.
- GO 118, Construction, Reconstruction and Maintenance of Walkways and Control, of Vegetation Adjacent to Railroad Tracks,
- GO 143-B, Design , Construction and Operation of Light Rail Transit Systems, and
- GO 164-D, Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems.

As part of its mission to reduce hazards associated with at-grade railroad crossings, the Commission's policy is to reduce the number of such crossings. New at-grade crossings would typically not be supported by CPUC staff.

Modification of existing rail crossings is typically authorized through the CPUC's GO 88-B process. If interested parties do not reach agreement regarding proposed modifications, a Formal Application to the Commission may be required.

H-3

In the project description, all "at-grade crossings" that are discussed refer to the crossing of local roads that run perpendicular to the SPRINTER rail and the bike trail. The final environmental document has been updated to reflect that these crossings are of local roads, not the railroad line. The proposed project does not propose any new at-grade rail crossings.

However, there are currently a maximum of three proposed existing rail crossings as listed below:

1. West side of Civic Center Drive (parallel to the existing road and existing sidewalk crossings)
2. Buena Creek road at South Santa Fe intersection (parallel to existing Buena Creek road crossing)
3. Buena Creek Transit Station (parallel to existing pedestrian crossing).

In coordination with local agencies (NCTD), CPUC approval is required for these three crossings.

**H-2**
This comment is noted and will be included in the public record for the proposed project. However, this comment does not raise any issues that CEQA requires be addressed in an MND. SANDAG will coordinate and obtain CPUC authorizations and/or approvals for modifications of existing railroad crossings as required by existing laws and regulations.

**H-3**
This comment is noted and will be included in the public record for the proposed project. SANDAG acknowledges that modification of an existing rail crossing requires either CPUC authorization through the GO 88-B process or Formal Application to the Commission, and has revised the Final MND accordingly. This comment does not raise any issues that CEQA requires be addressed in an MND.

Prior to submission of a GO 88-B request for authorization, or submission of a Formal Application to the Commission, the City should arrange a diagnostic meeting with RCES and all interested parties to discuss relevant safety issues at each location.

The following link provides more information on the Commission's rules and regulations in regard to rail crossing safety:

http://www.cpuc.ca.gov/crossings/

Please feel free to contact me at kevin.schumacher@cpuc.ca.gov or (415) 310-9807.

Sincerely,

Kevin Schumacher

Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

cc: State Clearinghouse

H-3
Cont.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

June 28, 2013

Andrew Martin
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Inland Rail Trail Bikeway
SCH#: 1999081121

Dear Andrew Martin:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 26, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

I-1

**Comment I**
**State Clearinghouse**

**I-1**
This comment is noted. No further response is required.