FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION SAN DIEGO STATE UNIVERSITY IMPERIAL VALLEY OFF-CAMPUS CENTER - BRAWLEY BRAWLEY SCIENCES BUILDING SCH NO. 2002051010 (OCTOBER 2023)

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Final Mitigated Negative Declaration

MITIGATED NEGATIVE DECLARATION

Project Name: San Diego State University (SDSU), Imperial Valley Off-Campus Center - Brawley (Brawley Center), Brawley Sciences Building Project (Proposed Project).

Lead Agency/Project Proponent: The Board of Trustees of the California State University (CSU Board of Trustees), 401 Golden Shore, Long Beach, California 90802 / SDSU Facilities Planning, Design and Construction, 5500 Campanile Drive, San Diego, California 92182.

Prior California Environmental Quality Act (CEQA) Documentation: The environmental impacts associated with development of the entire Brawley Center, including the site of the Proposed Project, were evaluated at a program level of review in the SDSU Imperial Valley Campus Master Plan Project Environmental Impact Report (EIR) (SCH 2002051010), which also analyzed improvements to the nearby Calexico Off-Campus Center affiliated with SDSU. The EIR was certified and the Master Plan for the Brawley Center was approved by the CSU Board of Trustees in 2003. The Brawley Center Master Plan provides the framework for development of academic, sports/athletic, student services, and administrative facilities to serve a projected future enrollment of 850 full-time equivalent (FTE) students. The Proposed Project would not increase student enrollment at the Brawley Center above the above the previously approved 850 FTE projection.

Brief Project Description: The Proposed Project would involve the construction and operation of a new approximately 36,900 gross square-foot (GSF) building that would be 35 feet in height and include approximately 22,500 assignable square feet (ASF) of lower and upper division teaching labs, research and research services space, experimental fabrication space for collaborative work with future public and private partners, faculty/administrative offices, conference rooms, and mechanical, electrical and telecommunication support spaces.

The Proposed Project also would include approximately 61,200 square feet (sf) of on-site landscaping, including construction of bio-retention areas to capture stormwater runoff. Other features include approximately 41,300 sf of hardscape improvements (i.e., sidewalks and pedestrian walkways). The Proposed Project would require water, fire water, and sewer connection points, as well as a new three-inch domestic water line. Sewer and wastewater collection services would be provided by the City of Brawley. Electrical services would be provided by the Imperial Irrigation District. New electrical connections would be required, and no natural gas usage is proposed.

Construction of the Proposed Project is anticipated to begin January 2024 and end in approximately August 2025. Once completed, the Proposed Project would serve and support the previously approved student enrollment; the Proposed Project does not include an increase, nor would it result in an increase, in student enrollment above prior approved levels. Four new faculty/staff members, in addition to existing campus faculty/staff, would support the new facility.

Project Location: The Proposed Project would be located on SDSU's Off-Campus Center - Brawley, which is located at 560 California State Route 78 in Imperial County, east of the city of Brawley (see Figure 1, Regional/Campus Location).

Initial Study: An Initial Study has been prepared in accordance with the CEQA (Cal. Public Resources Code, section 2100 *et seq.*), to ascertain whether the Proposed Project may have a significant effect on the environment. A copy of the Initial Study is attached to this Mitigated Negative Declaration and is incorporated herein by this reference.

The Initial Study determined that construction and operation of the Proposed Project would result in potentially significant impacts related to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, the Initial Study identifies mitigation measures, listed below, which, in combination with applicable previously adopted mitigation measures, would reduce all identified potentially significant impacts to a less than significant level. The Initial Study further determined the Proposed Project would result in less than significant impacts to the following environmental impact categories: Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

Mitigation Measures: In addition to those applicable mitigation measures previously adopted as part of the Program EIR, the following mitigation measures would be required in conjunction with Project implementation:

BIO-1: If ground disturbance and/or vegetation clearance activities are scheduled to occur during the avian nesting season (February 1st to September 30th), SDSU, or its designee, shall retain a biologist to conduct a pre-construction nesting bird survey within the area to be disturbed and a 500-foot-buffer. Surveys should be conducted within 3 days prior to initiation of activity between dawn and noon.

If construction begins outside the nesting bird season (e.g., between October 1st and January 31st), work may proceed without a nesting bird survey. If construction begins outside the nesting season, but crosses into the nesting season (i.e., starts in January but work continues until March), construction activities may proceed without a nesting bird survey. However, anytime construction must pause for more than 72-hours during the nesting season, an updated nesting bird survey should be conducted prior to the resumption of construction activities.

If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a biologist retained by SDSU. The buffer should be of sufficient distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the biologist until nestlings have fledged and dispersed, or it is confirmed that the nest has been unsuccessful or abandoned. Noise levels will be monitored at active nests of special-status bird species to ensure noise levels do not exceed 55-60 dBA range.

BIO-2: Prior to the initiation of construction activities, SDSU, or its designee, shall retain a biologist to conduct a pre-construction survey for burrowing owl to determine the presence/absence of the species. SDSU shall submit at least one burrowing owl pre-construction survey report to CDFW to document compliance with this mitigation measure. For the purposes of this mitigation measure, "qualified biologist" is a biologist who meets the requirements set forth in the California Department of Fish & Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012).

The survey shall be conducted within 14 days prior to the start of project-related construction activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If burrowing owls are not detected during the survey, no additional surveys or mitigation is required. Preconstruction surveys shall observe suitable burrowing owl habitat within the Project footprint and within 500 feet of the Project footprint (or within an appropriate buffer as required in the most recent guidelines and where legal access to conduct the survey exists).

Nesting Season Observation

If burrowing owl is located during the survey, occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a biologist approved by CDFW verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or that juveniles from the occupied burrows are foraging independently and capable of independent survival. If occupied burrows are present during the nesting season, construction activities may commence, or resume as applicable, after non-disturbance buffers are implemented by a biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrows are present, the biologist shall be contracted to perform monitoring during all construction activities approximately every other day. However, the definitive frequency and duration of monitoring shall be dependent on whether it is the breeding versus non-breeding season and the efficacy of the disturbance buffers, as determined by the biologist and in coordination with CDFW.

Non-Breeding/Non-Nesting Observation

If burrowing owl is detected during the non-breeding/non-nesting season (September 1 through January 31) or if confirmed to not be nesting, a non-disturbance buffer between the project activities and the occupied burrow shall be installed by a qualified biologist in accordance with the recommendations

included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). However, under these circumstances, monitoring by the biologist is not required.

Avoidance Not Possible Through Non-Disturbance Buffers

If avoidance is not possible through the installation of non-disturbance buffers, SDSU, or its designee, shall prepare a Burrowing Owl Relocation and Mitigation Plan (Plan) for submittal and approval by CDFW. Once approved, the Plan shall be implemented to relocate burrowing owls from the Project site. The Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take.

- **BIO-3:** SDSU, or its designee, shall implement the following measures during project construction activities to avoid indirect impacts to aquatic resources:
 - Construction limits should be clearly flagged so that adjacent native vegetation is avoided.
 - Construction work and operations and maintenance areas should be kept clean of debris, such as trash and construction materials. Fully covered trash receptacles that are animal-proof should be installed and used during construction to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles should be removed from the work area at least once a week.
 - Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents should be located within the designated impact area or adjacent developed areas.
 - Best management practices should be implemented to ensure water quality in existing drainages would not be affected during project activities.
- **CUL-1:** If CSU/SDSU, or its designee, discovers, through the building contractor, any artifacts during excavation and/or construction of the Brawley Sciences building, CSU/SDSU shall direct the contractor to stop all affected work and call in a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards to assess the discovery and, if necessary, suggest further mitigation.

If CSU/SDSU, or its designee, discovers, through the Contractor, human remains during construction of the Brawley Sciences building, CSU/SDSU, or its designee, shall contact the county corner and a qualified archaeologist. If the remains are determined to be Native American, CSU/SDSU shall contact the appropriate tribal representatives to oversee removal of the remains. If any buried cultural deposits are discovered during construction, development should be suspended or directed to another location and the discovery protected and evaluated for its potential eligibility for listing on the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). Construction activities may continue in other areas but should be redirected a safe distance from the find. If the new discovery is evaluated and found to be significant under CEQA or eligible for listing on the NRHP or the CRHR and avoidance is not feasible, additional work such as data recovery may be warranted. Following evaluation by a qualified archaeologist and in consultation with CSU/SDSU, construction shall be permitted to resume.

CUL-2: Although the potential for discovery of tribal cultural resources on the project site is considered low, in response to requests made during AB 52 consultation meetings, CSU/SDSU shall authorize tribal monitoring of such resources during project construction grading activities and shall provide appropriate remuneration for such monitoring consistent with standard practices. SDSU retains the authority to select the monitor, which shall be provided by either the Sycuan Band of the Kumeyaay Nation or the San Pasqual Band of Mission Indians. Such monitoring by a single tribal monitor is not available on any given

day, project construction activities may continue uninterrupted. In the event tribal cultural resources are inadvertently encountered during project construction activities, work in the immediate area must stop and a qualified archaeologist meeting the Secretary of the Interior's Professional Standards shall assess the discovery in consultation with the Sycuan Band of the Kumeyaay Nation and the San Pasqual Band of Mission Indians to evaluate the resource and develop a plan for treatment and disposition of the resource. If avoidance is not feasible, additional work such as data recovery may be warranted. Following evaluation by a qualified archaeologist, in consultation with the Sycuan Band of the Kumeyaay Nation, the San Pasqual Band of Mission Indians, and CSU/SDSU, construction shall be permitted to resume.

GEO-1: Prior to commencement of any grading activity on site, SDSU or its designee shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) 2010 guidelines to prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project. The PRIMP shall be consistent with the SVP 2010 guidelines and outline requirements for: preconstruction meeting attendance and worker environmental awareness training; where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; and, procedures for adequate paleontological monitoring and discoveries treatment, including paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. The PRIMP shall also include a statement that any fossil lab or curation costs (if necessary due to fossil recovery) are the responsibility of SDSU or its designee.

In addition, a qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities (including augering) in areas underlain by Lake Cahuilla sediments. No paleontological monitoring is necessary during ground disturbance within artificial fill, if determined to be present. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.

Proposed Finding: On the basis of the whole record, there is no substantial evidence showing the Proposed Project will have a significant effect on the environment.



SOURCE: NAIP 2020, Open Streets Map 2019

Comments and Responses to Comments

www.iid.com



Since 1911

September 20, 2023

Ms. Amanda Scheidlinger Director of Construction San Diego State University 5500 Campanile Drive San Diego, California, 92182-1624

SUBJECT: NOI to Adopt an MND for The SDSU Imperial Valley Off-Campus Center - Brawley Sciences Building Project

Dear Ms. Scheidlinger:

On September 3, 2023, San Diego State University issued a Notice of Intent to adopt a Mitigated Negative Declaration for the San Diego State University Imperial Valley Off-Campus Center - Brawley Sciences Building project. The project would involve the construction and operation of a new approximately 36,900 sq. ft. building and include approximately 22,500 sq. ft. of lower and upper division teaching labs, research and research services space, experimental fabrication space for collaborative work with future public and private partners, faculty/administrative offices, conference rooms, and mechanical, electrical and telecommunication support spaces. The project would also include approximately 61,200 sq. ft. of on-site landscaping and construction of bio-retention areas to capture stormwater runoff and approximately 41,300 sq. ft. of hardscape improvements (i.e., sidewalks and pedestrian walkways). The project will be located within the SDSU Brawley off-campus at 560 State Route 78 east of the city of Brawley, California.

The IID has reviewed the Initial Study and Draft MND and has the following comments:

- 1. If the proposed project requires additional electrical service to the location's existing one, the applicant should be advised to contact Gabriel Ramirez, IID project development service planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at <u>http://www.iid.com/home/showdocument?id=12923</u>), the applicant will be required to submit an AutoCAD file of site plan, approved project drawings including electrical plans, electrical panel sizes and panel locations, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
- 2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
- 3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the

project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

- 4. It is important to note that the Initial Study states that an IID Substation will be required. However, after further review the IID substation requirement will no longer be necessary.
- 5. The applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.
- 6. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at https://www.iid.com/about-iid/department-directory/real-estate. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.
- 7. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at <u>dvargas@iid.com</u>. Thank you for the opportunity to comment on this matter.

Respectfully, Donald Vargas

Compliance Administrator II

Jamie Asbury – General Manager Mike Pacheco – Manager, Water Dept. Matthew H Smelser – Manager, Energy Dept. Geoffrey Holbrook – General Counsel Michael P. Kemp – Superintendent General, Fleet Services and Reg. & Environ. Compliance Laura Cervantes. – Supervisor, Real Estate Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

Brawley Sciences Building Project

IID Responses to Comments

Imperial Irrigation District, Letter dated September 20, 2023

Introductory Comment

The comment is an introduction to comments that follow. No further response is required.

Comment No. 1

The comment states that "if the proposed project requires additional electrical service to the location's existing one," the applicant should contact the project development service planner to initiate the customer service application process, and further lists the information to be provided as part of that process, noting that the applicant is responsible for all related costs.

In response, the comment does not raise an issue regarding the adequacy of the environmental analysis conducted pursuant to CEQA and, therefore, no response relative to CEQA is required. However, CSU/SDSU acknowledges the comment and will proceed with the customer service application process consistent with the requirements stated in the comment.

Comment No. 2

The comment states that electrical capacity is limited in the project area and, as a result, a circuit study may be required, with system improvements or mitigation identified in the study to be the financial responsibility of the applicant.

In response, the comment does not raise an issue regarding the adequacy of the environmental analysis conducted pursuant to CEQA and, therefore, no response relative to CEQA is required. However, CSU/SDSU acknowledges the comment and will prepare the referenced circuit study as applicable if necessary.

Comment No. 3

The comment states that the applicant is to provide a surveyed legal description and exhibit of all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure, and that all rightsof-way and easements shall be at no cost to IID for installation, operation, and maintenance of all electrical facilities.

In response, the comment does not raise an issue regarding the adequacy of the environmental analysis conducted pursuant to CEQA and, therefore, no response relative to CEQA is required. However, CSU/SDSU acknowledges the comment and will provide the information to IID necessary to establish the requested service.

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Comment No. 4

The comment states that a referenced IID Substation will no longer be necessary.

The comment is noted. No further response is required.

Comment No. 5

The comment states the applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project, as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.

In response, the comment does not raise an issue regarding the adequacy of the environmental analysis conducted pursuant to CEQA and, therefore, no response relative to CEQA is required. However, CSU/SDSU acknowledges the comment and will provide the property rights, including access, necessary to operation and maintenance of IID facilities.

Comment No. 6

The comment states that any construction on IID property or within its existing and proposed right of way or easements including, but not limited to, surface improvements and above/underground utilities, will require an encroachment permit or agreement, and that no foundations or buildings will be allowed within IID's right of way.

In response, the comment does not raise an issue regarding the adequacy of the environmental analysis conducted pursuant to CEQA and, therefore, no response relative to CEQA is required. However, CSU/SDSU acknowledges the comment and will obtain the necessary permits and agreements, and observe IID right-of-way.

Comment No. 7

The comment states that any new, relocated, modified, or reconstructed IID facilities required for and by the project need to be included as part of the project's environmental analysis and mitigation, and failure to do so will result in delay until such time as the analysis is completed. Any mitigation necessary as a result of the construction, relocation, and/or upgrade of IID facilities is the responsibility of the project proponent.

The Initial Study specifically addresses the potential impacts associated with the construction of infrastructure associated with the various utilities and service systems in IS Section 3.19, and further addresses the potential impacts associated with construction activities generally, each relevant to the comment, throughout the IS.

IS Section 3.19 addresses the CEQA Guidelines Appendix G inquiry as to whether the project would require or result in the relocation or construction of new or expanded utility systems, such as water, water drainage, or electric power, the construction or relocation of which could cause significant environmental effects.

Preliminarily, the analysis notes that impacts related to these facilities were previously evaluated in Section 3.7, Public Services/Utilities, and Section 3.11, Water Quality, of the 2003 EIR. The EIR determined that new or expanded wastewater, storm drain, and electric power facilities required for buildout of the Brawley Center Master Plan could result in potentially significant impacts. In response, the CSU Board of Trustees adopted mitigation measures 3.7, Public Services/Utilities, and 3.8, Hydrology, ensuring coordination

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between SDSU and IID and other affected agencies. (See, 2003 MMRP, pages 11-3 to 11-4.) With incorporation of the identified mitigation measures, impacts related to new or expanded wastewater, storm drain, and electric power facilities were determined to be less than significant. (IS, pp. 89-90.)

As a follow-up to the 2003 EIR, the IS presents a project specific analysis of the potential impacts associated with the necessary utility infrastructure improvements such as those related to electric power, wastewater, stormwater drainage, and water.

As to electric power, the IS notes that electrical services within the project area are provided by IID in coordination with the city, and new utility connections and infrastructure would be required to support electrical services for the proposed project. (IS pp. 92-93.) The IS explains that connections to on-site electrical power infrastructure would require soils excavation and recompaction. However, construction work and related soil disturbances associated with establishing the connections to on-site electrical infrastructure would be temporary and would be completed in accordance with the applicable Construction General Permit. The permit would require preparation of a stormwater pollution prevention plan (SWPPP), which would include best management practices (BMPs) to control impacts related to stormwater runoff, sediment, and erosion control.

Additionally, project construction would be required to comply with Regulation VIII, Fugitive Dust Control Measures, of the Imperial County Air Pollution Control District (ICAPCD) Rules and Regulations, which would reduce associated fugitive dust and potential soil erosion during construction. The rules require use of water, tarps, or other suitable material (such as vegetative ground cover) during construction, which would reduce fugitive dust and potential soil erosion associated with construction activities. In this regard, impacts related to the relocation or construction of new or expanded electric power facilities would have a less than significant impact.

Similarly, the proposed project would require new on-site water infrastructure, such as water mains and laterals, which would connect to existing or planned off-site municipal infrastructure. (IS, p. 90.) Installation of new water mains and laterals would consist of either trenching to the depth of pipe placement or the use of different trenchless technologies, which cause substantially less ground disturbance. Trenching results in a temporary stockpiling of soil along the length of the trench, pending backfilling, which could result in potential short-term soil erosion. In accordance with the Construction General Permit, which, as noted above, would outline BMPs for protecting stormwater runoff from sediment and erosion. Additionally, also as noted above, the project would be required to comply with applicable ICAPCD's regulations regarding fugitive dust and potential soil erosion. For these reasons, the IS concluded that construction activities associated with the relocation or construction of new facilities would have a less than significant impact.

As to wastewater, the IS notes that the proposed project would require new wastewater infrastructure, which would connect to existing infrastructure. (IS, p. 91.) Similar to installation of new or extended water lines as addressed above, installation of new or extended sewer lines would consist of either trenching to the depth of pipe placement or the use of different trenchless technologies. Also as explained above, construction activities associated with the proposed project would be required to comply with the Construction General Permit and related BMPs, as well as ICAPCD rules and regulations regarding fugitive dust emissions, which would control sediment and erosion related to water runoff, and fugitive dust and potential soil erosion associated with construction activities. As a result, impacts associated with construction of related infrastructure would be less than significant.

As to stormwater drainage, similar to measures in place regarding the construction of water and wastewater infrastructure, construction of the on-site stormwater infrastructure would be implemented in accordance with the Construction General Permit, which requires preparation of a SWPPP, and compliance with ICAPCD regulations controlling construction-related air emissions. (IS, pp. 91-92.) As a result, construction-related impacts would be less than significant.

In addition to the impacts analyses provided in IS Section 3.19 relating to air quality, the IS addresses air quality impacts associated with construction activities in Section 3.3, Air Quality. (IS, pp. 28-30 and Appendix B.) The IS notes that proposed construction activities would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and reactive organic gas off-gassing) and off-site sources (i.e., on-road vendor trucks, and worker vehicle trips). The IS analyzed the emissions associated with internal combustion engines used by construction equipment, trucks, and worker vehicles – reactive organic gasses, oxides of nitrogen, carbon monoxide, coarse particulate matter and fine particulate matter, and also particulate matter emissions that would be generated by entrained dust, which results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil. As noted above, project construction activities would be required to comply with ICAPCD Rule VIII to control dust emissions generated during any dust-generating activities.

The analysis used the California Emissions Estimator Model to estimate the amount of emissions that would be generated by project construction activities, which calculated that project construction activities would not exceed ICAPCD's daily thresholds and, therefore, construction impacts associated with air pollutant emissions would be less than significant.

In addition, the IS addresses the short-term noise impacts associated with construction activities in Section 3.13. (IS, pp. 75-76 and IS Appendix I.) The analysis notes that project-generated construction noise will vary depending on the construction process, the type of equipment involved, the location of the construction site in relation to sensitive receptors, the schedule proposed to carry out each task, and the duration of the construction work.

The analysis presented in the IS calculated modeled the forecasted project-level construction noise levels for each phase of project construction based on the equipment type and anticipated hours of operation. Construction noise was calculated at distances of 300 feet and 1,390 feet, the distance to the nearest noise sensitive receptor. The analysis determined that the predicted aggregate construction noise level at a distance of 300 feet from the project site is expected to be 70 dBA over an 8-hour period for the noisiest phase (grading), which is below Imperial County's criterion of 75 dBA. At the exterior of the nearest noise sensitive receptor (1,390 feet), the noise level would be 57 dBA during the grading phase, which is a level comparable to or less than existing outdoor ambient noise levels. For these reasons, the analysis concluded that noise impacts related to construction activities would be less than significant.

In addition to the above analyses presented in the IS, impacts associated with construction activities are further addressed in IS Section 3.4, Biological Resources; Section 3.5, Cultural Resources; Section 3.6, Energy; Section 3.7, Geology and Soils; Section 3.8, Greenhouse Gas Emissions; Section 3.10, Hydrology and Water Quality; Section 3.17, Transportation; and Section 3.18, Tribal Cultural Resources.







State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Inland Deserts Region 3602 Inland Empire Blvd, Suite C-220 Ontario, CA 91764 www.wildlife.ca.gov

October 4, 2023 Sent via e-mail

Amanda Scheidlinger Director of Construction San Diego State University 5500 Campanile Drive San Diego, CA 92182

SAN DIEGO STATE UNIVERSITY, IMPERIAL VALLEY OFF-CAMPUS CENTER – BRAWLEY, BRAWLEY SCIENCES BUILDING PROJECT (PROJECT) MITIGATED NEGATIVE DECLARATION (MND) SCH#: 2002051010

Dear Ms. Scheidlinger:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the California State University, San Diego (SDSU), for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: California State University, San Diego (SDSU)

Objective: The Project proposes the construction of an approximately 37,000 gross square foot educational building on the SDSU Imperial Valley Off-Campus Center. The building would include teaching labs, research space, space for future public and private partners, faculty/administrative offices, conference rooms, and mechanical, electrical and telecommunication support spaces. The project would also include approximately 61,200 square feet of on-site landscaping including construction of bio-retention areas, 41,300

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

square feet of hardscape improvements including sidewalks and pedestrian walkways, and utility connections for water, sewer, and electrical. The proposed project is associated with the previously approved Brawley Campus Master Plan Environmental Impact Report (EIR) (SCH#: 2002051010).

Location: The Project is located on SDSU's Off-Campus Center-Brawley, which is located at 560 California State Route 78, east of the City of Brawley in Imperial County. The Project site is surrounded by agricultural fields and undeveloped land. The current Brawley Center and accompanying parking lot are situated at the south-central portion of the Project site. An approximately 35-acre solar farm is located directly east on the property of the proposed Project site. Additionally, an abutting canal runs along the eastern boundary of the Project site, and an irrigation drain runs along the north, west, and both horizontally and vertically through the center of the Project site.

Timeframe: Construction is anticipated to begin January 2024 and end in approximately August 2025.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist SDSU in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant. CDFW offers the following comments and recommendations to assist SDSU in adequately identifying and mitigating the Project's significant, or potentially significant, impacts to biological resources.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Identifying the Project Location (Assessor's Parcel Numbers)

Initial Study/Mitigated Negative Declaration (IS/MND) document, Section 2.3

Issue: The MND does not identify the Assessor's Parcel Numbers over which the proposed Project will take place. Figure 1 in the IS/MND (p. 17) does not appear to include APN 047-390-004 in the campus; however, Figure 2 (p. 18) does appear to include this APN. The IS/MND should clarify whether there are two or three parcels comprising the campus site (i.e., APNs 047-390-002, -003, and -004).

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description.

CDFW Recommendations: A revised MND should clearly identify the area and extent of the proposed Project.

COMMENT #2: Landscaping

IS/MND document, Section 3.1, Page #22

Issue: The MND lacks a description of the type of landscaping that will be installed and maintained over the life of the Project.

Specific impact: The IS/MND states (p. 22) the proposed landscaping could consist of "shrubs, trees, decorative rock, and potentially, decomposed granite." However, no further details are provided.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description.

CDFW Recommendation: To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: https://calscape.org/. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: https://saveourwater.com/.

II. Environmental Setting and Related Impact Shortcoming

COMMENT #3: Assessment of Biological Resources

IS/MND document, Section 3.4, Pages #36-40, Appendix C

Issue: The MND does not adequately identify the Project's significant, or potentially significant, impacts to biological resources.

Specific impact: The MND bases its analysis of the Project site's existing biological resource conditions by using information contained in the 2003 SDSU Imperial Valley Campus Master Plan EIR (SCH#: 2002051010). Additionally, Dudek conducted a general biological reconnaissance survey for the presence of potential jurisdictional features on February 16, 2023 (Appendix C). CDFW is concerned about the potential for special-status species to occur on or near the Project site. No focused or protocollevel surveys were performed for the detection of special-status species. The Project is surrounded by agricultural, disturbed land, and irrigation canals, and there is potential for special-status species to be impacted either directly or indirectly by Project activities. The California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, or other special-status species have been reported near the Project area including, but not limited to: Abrams' spurge (Euphorbia abramsiana; CNPS rank 2B), burrowing owl (Athene cunicularia), Crissal thrasher (Toxostoma crissale), Gila woodpecker (Melanerpes uropygialis), mountain plover (Charadrius montanus), vermillion flycatcher (Pyrocephalus rubinus), Crotch's bumble bee (Bombus crotchii), flat-tailed horned lizard (Phrynosoma mcallii), western yellow bat (Lasiurus xanthinus), and American badger (Taxidea taxus).

Recent surveys during the appropriate times of the year are needed to inform and identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and to determine whether impacts to biological resources have been mitigated to a level that is less than significant. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate

description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure:

To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised MND include the following mitigation measure:

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable speciesspecific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for revised MM BIO-1 and BIO-2, and CDFW-recommended MM-BIO [A] through [D] (see Attachment 1).

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #4: Nesting Birds

IS/MND document, Section 3.4, Pages #36-40, BIO-1

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are mitigated to a level less than significant.

Specific impact: The MND (p. 37) indicates that "the study area contains trees, shrubs, and bare ground that would potentially be used by migratory birds for breeding," and "direct and indirect impacts to nesting birds would be significant absent mitigation." Additionally, a vermillion flycatcher (CSSC), was observed nesting on site in February 2023 (Appendix C, p. 7). CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak breeding season is an important avoidance and minimization measure; however, CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In

response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Evidence impact would be significant: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code or any regulation adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure:

CDFW appreciates the inclusion of MM BIO-1; however, the measure is insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends a revised MND include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided **any time birds are nesting on-site.** Preconstruction nesting bird surveys shall be performed within 3 days prior to Project activities to determine the presence and location of nesting birds. Although the MND includes Mitigation Measure BIO-1 for nesting birds, CDFW recommends SDSU include a revised Mitigation Measure BIO-1 in a revised MND as follows, with additions in **bold** and removals in strikethrough:

MM BIO-1: Pre-Construction Nesting Bird Survey Avoidance of Nesting Birds

If ground disturbance and/or vegetation clearance activities are scheduled to occur during the avian nesting season (February 15 to August 30), SDSU, or its designee, **Regardless of the time of year, the Permittee** shall retain a **qualified avian** biologist to conduct a pre-construction nesting bird survey within the area to be disturbed and a 500-foot buffer. Surveys should be conducted within 3 days prior to initiation of vegetation removal or ground-disturbing activity between dawn and noon. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts.

If construction begins outside the nesting bird season (i.e., between August 31 and February 14), work may proceed without a nesting bird survey. If construction begins outside the nesting season, but crosses into the nesting season (i.e., start in January but work until March), construction activities may proceed without a nesting bird survey. However, **A**anytime construction must pause for more than 72 hours during the nesting season, an updated nesting bird survey should be conducted prior to the resumption of construction activities.

If an active nest is detected during the nesting bird survey, appropriate avoidance buffers shall be implemented marked on the ground as determined by a qualified avian biologist retained by SDSU. The buffer should be species specific and of sufficient distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. Nest buffers shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. All nests and the adequacy of the established buffer distance shall be monitored daily as determined by the qualified biologist until the qualified biologist has determined the nestlings have fledged and dispersed, or it is confirmed that the nest has been unsuccessful or abandoned, or the Project has been completed. The gualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #5: Burrowing Owl Surveys

IS/MND document, Section 3.4, Pages #36-40, BIO-2

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to burrowing owl (*Athene cunicularia*) or ensure that impacts are mitigated to a level less than significant.

Specific impact: Suitable burrowing owl habitat has been confirmed on site including, disturbed areas, agricultural fields, and irrigation ditches that would likely support the species at any time during construction. The MND (p. 37) indicates that "project implementation could result in direct impacts on burrowing owl in the form of habitat destruction and potential death, injury, or harassment of nesting birds, their eggs, and their young. Injury or mortality occurs most frequently during the vegetation clearing stage of construction and affects eggs, nestlings, and recently fledged young that cannot safely avoid equipment. Indirect impacts to burrowing owl include vibration, excess noise, chemical pollution, fugitive dust, and increased human presence. Direct and indirect impacts to burrowing owl specific to construction of the proposed project therefore would be potentially significant, absent additional mitigation beyond the general mitigation previously adopted."

Burrowing owls have a high potential to move into disturbed sites prior to and during construction activities. Burrowing owls frequently move into disturbed areas since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). Impacts to burrowing owl from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities.

Evidence impact would be significant: Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure:

CDFW appreciates the inclusion of MM BIO-2; however, the measure is insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends a revised MND include specific avoidance and minimization measures to ensure that

impacts to burrowing owls do not occur. CDFW recommends that prior to commencing Project activities for all phases of Project construction, surveys for burrowing owl be conducted for the entirety of the Project site by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). Although the MND includes Mitigation Measure BIO-2 for burrowing owl, CDFW recommends SDSU include a revised Mitigation Measure BIO-2 in a revised MND as follows, with additions in **bold** and removals in strikethrough:

MM BIO-2: Burrowing Owl Avoidance and Relocation Burrowing Owl Surveys

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFWapproved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

Prior to the initiation of construction activities, SDSU, or its designee, shall retain a biologist to conduct a pre-construction survey for burrowing owl to determine the presence/absence of the species. SDSU shall submit at least one burrowing owl pre-construction survey report to the satisfaction of CDFW to document compliance with this mitigation measure. For the purposes of this mitigation measure, "qualified biologist" is a biologist who meets the requirements set forth in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012).

The survey shall be conducted within 30 days of site disturbance in accordance with the most current and applicable CDFW protocol. If burrowing owls are not detected during the survey, no additional surveys or mitigation is required. Preconstruction surveys shall observe suitable burrowing owl habitat within the Project footprint and within 500 feet of the Project footprint (or within an appropriate buffer as required in the most recent guidelines and where legal access to conduct the survey exists).

Nesting Season Observation:

If burrowing owl is located during the survey, occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a biologist approved by CDFW verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or that juveniles from the occupied burrows are foraging independently and capable of independent survival. If occupied burrows are present during the nesting season, construction activities may commence, or resume as applicable, after non-disturbance buffers are implemented by a biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrows are present, the biologist shall be contracted to perform monitoring during all construction activities approximately every other day. However, the definitive frequency and duration of monitoring shall be dependent on whether it is the breeding versus nonbreeding season and the efficacy of the disturbance buffers, as determined by the biologist and in coordination with CDFW.

Non-Breeding/Non-Nesting Observation:

If burrowing owl is detected during the non-breeding/non-nesting season (September 1 through January 31) or if confirmed to not be nesting, a nondisturbance buffer between the project activities and the occupied burrow shall be installed by a qualified biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). However, under these circumstances, monitoring by the biologist is not required.

Avoidance Not Possible through Non-Disturbance Buffers: If avoidance is not possible through the installation of non-disturbance buffers, SDSU, or its designee, shall prepare a Burrowing Owl Relocation and Mitigation Plan for submittal and approval by CDFW. Once approved, the Plan shall be implemented to relocate burrowing owls from the project site.

COMMENT #6: CDFW Lake and Streambed Alteration (LSA) Program

IS/MND document, Section 3.4, Pages #39-40

Issue: The MND acknowledges that drainage canals are located in proximity to the proposed Project but does not include mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: The MND (p. 21) indicates that an "adjacent earthen drain" and (p. 4) "Moorhead Canal bounds the center to the east." CDFW review of aerial imagery confirms the location of one drainage canal named Wills Drain located along the north, west, and both horizontally and vertically through the center of the Project site. Additionally, as noted, an abutting canal named Moorhead Canal runs along the east boundary of the Project site. Drainage canals and ditches, regardless of whether they are concrete lined, may provide suitable habitat for biological resources. Potential direct and indirect impacts to the canals and associated fish and wildlife resources, such as burrowing owl, resulting from Project construction are subject to notification under Fish and Game Code section 1602.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into

any river, stream or lake. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce harmful impacts to fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). Early consultation with CDFW is recommended since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, visit: https://wildlife.ca.gov/Conservation/Environmental-Review/LSA.

Recommended Potentially Feasible Mitigation Measure:

Although the MND includes Mitigation Measure BIO-3 for avoidance of aquatic resources, CDFW considers the measure to be insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends SDSU include the following additional mitigation measure in a revised MND:

MM BIO-[B]: Lake and Stream Alteration (LSA) Program

Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, *or* the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

COMMENT #7: Construction Noise

IS/MND document, Section 3.13, Pages #74-78

Issue: The MND does not include sufficient mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The MND (p. 76) states the Project would result in a substantial temporary noise increase from the operation of equipment for on-site construction activities, which can reach up to 70 dBA, but includes no analysis of the impacts of construction noise on biological resources. These levels exceed exposure levels that may adversely affect wildlife species at 55 to 60 dBA.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cures (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure:

Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised MND include an analysis of impacts to biological resources and specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

MM BIO-[C]: Construction Noise Impacts to Biological Resources

During all Project construction, SDSU shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. SDSU shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

COMMENT #8: Artificial Nighttime Light

IS/MND document, Section 3.1, Pages #20-23; Appendix A

Issue: The MND does not analyze impacts to biological resources from artificial nighttime light and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant.

Specific impact: Appendix A (p. 4) indicates that "campus parking lot lighting (pole mounted lights are installed along the parking lot perimeter) and wall mounted lighting on the exterior of the Brawley campus building contribute light sources to the existing nighttime environment" and light sources installed at the new science building (MND, p. 22) "would be similar to those installed at the existing Brawley Center." However, impacts to biological resources are not analyzed and no mitigation measures are proposed. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND. The revised MND should also include lighting specifications and designs.

Evidence impact would be significant: Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure:

Because of the potential for artificial nighttime light to negatively impact wildlife, CDFW recommends a revised MND include an analysis of impacts to biological resources and specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends SDSU include the following mitigation measure in a revised MND:

MM BIO-[D]: Artificial Nighttime Light

During Project construction and operation, SDSU shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. SDSU shall ensure that lighting for Project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <u>http://darksky.org/</u>). SDSU shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist SDSU in identifying and mitigating Project impacts on biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant impacts on biological resources. The CEQA Guidelines indicate that recirculation is required when insufficient information in the MND precludes a meaningful review (§ 15088.5) or when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description and a current assessment of biological resources, be recirculated for public comment. CDFW also recommends that a revised MND include an analysis of impacts to biological resources from construction noise and artificial nighttime lighting, as well as mitigation measures described in this letter for the assessment of biological resources, nesting birds, burrowing owl, CDFW's Lake and Streambed Alteration Program, construction noise, and artificial nighttime light to ensure impacts to biological resources are avoided or reduced to less than significant.

CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Alyssa Hockaday, Senior Environmental Scientist (Specialist) at (760) 920-8252 or <u>Alyssa.Hockaday@wildlife.ca.gov</u>.

Sincerely,

DocuSigned by: kim Freeburn

Kim Freeburn Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW <u>Heather.Brashear@wildlife.ca.gov</u>

Office of Planning and Research, State Clearinghouse, Sacramento <u>State.clearinghouse@opr.ca.gov</u>

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Biological Resources (BIO)			
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties	
MM BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year	Prior to Project construction activities	SDSU	

and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species- specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.		
MM BIO-1: Avoidance of Nesting Birds Regardless of the time of year, the Permittee shall retain a qualified avian biologist to conduct a pre-construction nesting bird survey within the area to be disturbed and a 500-foot buffer. Surveys should be conducted within 3 days prior to initiation of vegetation removal or ground- disturbing activity. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. Anytime construction must pause for more than 72 hours, an updated nesting bird survey should be conducted prior to the resumption of construction activities. If an active nest is detected during the nesting bird survey, appropriate avoidance buffers shall be marked on the ground as determined by a qualified avian biologist retained by SDSU. The buffer should be species specific and of sufficient distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. Nest buffers shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. All nests and the adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the nestings have fledged and dispersed, or it is confirmed that the nest has been unsuccessful or abandoned, or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.	No more than three (3) days prior to vegetation clearing or ground-disturbing activities.	SDSU
MM BIO-2: Burrowing Owl Surveys Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on	Focused surveys: Prior to the start of Project-related activities. Pre-construction surveys: No less than 14 days prior to start of Project- related activities and within 24 hours prior to ground disturbance.	SDSU

proposed buffers and other avoidance measures if		
 proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare 		
and USFWS for review and approval prior to commencing		
MM BIO-[B]: Lake and Stream Alteration (LSA) Program Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW- executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.	Prior to Project- activities and issuance of any grading permit.	SDSU
MM BIO-[C]: Construction Noise Impacts to Biological Resources During all Project construction, SDSU shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. SDSU shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means must be below the 55- 60 dB range within 50-feet from the source.	During Project activities.	SDSU

MM BIO-[D]: Artificial Nighttime Light	During Project	90911
	During Project	3030
During Project construction and operation, SDSU shall	construction	
eliminate all nonessential lighting throughout the Project	activities and	
area and avoid or limit the use of artificial light during the	operation.	
hours of dawn and dusk when many wildlife species are		
most active. SDSU shall ensure that lighting for Project		
activities is shielded, cast downward, and does not spill		
over onto other properties or upward into the night sky		
(see the International Dark-Sky Association standards at		
http://darksky.org/). SDSU shall ensure use of LED lighting		
with a correlated color temperature of 3,000 Kelvins or		
less, proper disposal of hazardous waste, and recycling of		
lighting that contains toxic compounds with a gualified		
recvcler.		

Brawley Sciences Building Project

CDFW Responses to Comments

California Department of Fish and Wildlife, Letter dated October 4, 2023

Comment Regarding CDFW Role

The comment states that CDFW is a Trustee Agency under CEQA, and that the agency is submitting comments as a Responsible Agency.

In response, CSU/SDSU acknowledges that CDFW is a Trustee Agency and has noted such in documents filed with the State. As to CDFW's role as a Responsible Agency in this matter, in support of its comment CDFW states that it "may need to exercise regulatory authority as provided by the Fish and Game Code." Under CEQA, a "responsible agency" is an agency with discretionary approval power over the project. (CEQA Guidelines section 15381.) As discussed below in the response to comment number 6, based on the project's biological resources consultant Dudek's review to date, the subject ditch to which the comment refers is not subject to regulation pursuant to Fish and Game Code section 1602. Nonetheless, CSU/SDSU understands the agency's authority over fish and wildlife resources and, as a sister state agency, will work cooperatively with CDFW towards resolution of any/all concerns.

Comment No. 1: Identifying the Project Location (Assessor's Parcel Numbers)

The comment states that the Initial Study/Mitigated Negative Declaration (IS/MND) does not identify the Assessor's Parcel Numbers (APN) for the property upon which the proposed project would be built. The comment states that IS/MND Figure 1 "does not appear to include APN 047-390-004 in the campus; however, Figure 2 does appear to include this APN." The comment further states that the IS/MND "should clarify whether there are two or three parcels comprising the campus site (ie., APNs 047-390-002, -003, and -004)".

In response, IS/MND Section 2 presents the Project Description, which meets all requirements of CEQA Guidelines section 15124 and, accordingly, is adequate under the law. Specific to the comment, CEQA requires that the Project Description provide the precise location and boundaries of the proposed project, shown on a detailed map, along with a regional map of the project location; there is no specific requirement that APNs be provided.

IS/MND Figure 1, Regional/Campus Location, illustrates the regional location of the Brawley off-campus center and project site, within Imperial County near the city of Brawley, and also illustrates the more precise location, on Ben Hulse Highway (Route 78), between Wills Road and Dietrich Road. Figure 1 is based on an aerial photograph of existing conditions with the campus boundaries illustrated in yellow. The campus boundaries depicted on Figure 1 are correct. In specific response to the comment, the campus comprises APNs 047-390-002 and 047-390-003.

Figure 2, in contrast to Figure 1, presents a graphic depiction, the purpose of which is to illustrate the precise location of the proposed project/building within the off-campus center. Figure 2 accurately depicts the off-campus center and proposed project within the boundaries of APNs 047-390-002 and -003. Figure

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2 has been revised to add the APNs and adjust the northern boundary consistent with the legal description of the two parcels.

Comment No. 2: Landscaping

The comment states that the IS/MND fails to describe in adequate detail the type of landscaping that will be installed and maintained over the life of the project. The comment further states that "without a complete and accurate project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources." The comment recommends the incorporation of water-wise concepts in any project landscape design plans, as well as native plants.

In response, as noted in the IS/MND, the project's proposed landscaping would include "perimeter and common area landscaping consisting of shrubs, trees, decorative rock, and, potentially, decomposed granite" (IS/MND p. 22). The comment provides no evidence as to how such landscaping, or the description thereof, would result in an incomplete assessment of project-related impacts to biological resources and, therefore, no further specific response can be provided. Notwithstanding, CSU/SDSU will consider the recommended water-wise concepts, including native plants, and implement landscaping plans as both appropriate and feasible.

Comment No. 3: Assessment of Biological Resources

The comment states that Dudek's February 2023 survey of biological resources on the project site was insufficient and "CDFW is concerned about the potential for special-status species to occur on or near the Project site." The comment further states that to establish the existing environmental setting, CDFW recommends adoption of a mitigation measure that would require preparation of a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be affected.

In response, CSU/SDSU notes at the outset that the analysis of potential impacts to biological resources that would result from the proposed project that is presented in the IS/MND is based on a technical report prepared by Dudek, which is included in its entirety in IS/MND Appendix C, SDSU Brawley Sciences Building - Biological Resources Technical Memorandum (August 22, 2023; Bio Tech Memo).

As described in Section 4.1 of the Bio Memo, the proposed project site consists of developed land, disturbed habitat, and general agriculture areas. Developed areas are characterized by existing campus structures and parking lot, agriculture infrastructure, storage, irrigation ditches, and a shaded seating area. Disturbed habitat consists of graded areas adjacent to structures and a dirt road in the northern portion of the site. An actively cultivated agriculture field lies in the northern portion of the project site.

Developed land, disturbed habitat, and agricultural areas provide very limited habitat value to support special-status species. Regardless, Dudek conducted a biological reconnaissance survey and database review of special-status species that have potential to occur in the area. The plant and wildlife species described in the comment were analyzed with respect to their potential to occur on the project site or in the project area in attachments to the Biological Resources Technical Memorandum provided in Appendix C, specifically in Attachment E (Special-Status Plant Species Potential to Occur SDSU Imperial Valley Campus Brawley Lithium Research Hub/STEM Building Project) and Attachment F (Special-Status Wildlife Species Potential to Occur SDSU Imperial Valley Campus Brawley Lithium Research Hub/STEM Building Project) and Attachment F Hub/STEM Building Project) Brawley Lithium Research Hub/STEM Building Brawley Lithi

Project). Because the entire study area is either developed, disturbed, or has been converted to agriculture, none of the plants identified in the database search have potential to occur, including Abrams' spurge (*Euphorbia abramsiana*).

Attachment F describes the habitat, life history, and potential to occur on site for special-status wildlife species and analyzes all of the species mentioned in the comment letter, as well as additional species that are known to occur in the area. Vermillion flycatcher was observed just outside of the project area but does not have potential to nest on site due to lack of habitat. Burrowing owls and mountain plover are known to occur throughout Imperial County, including in agricultural areas, and because of that, are assumed to have potential to occur on site. The IS/MND describes potentially significant impacts to the species and provides mitigation measures to avoid take of the species. Additional surveys sought by CDFW would not result in new information that would change the analysis of these species onsite. Whether observed or not, they would still be analyzed as having the potential to occur, and potential to be impacted, and, therefore, require mitigation to avoid take.

Because wildlife utilize different areas seasonally and can disperse to new areas during their lifetime, relying on habitat assessments and database searches to determine a species potential to occur as was done meets the requirements under Section 15125(c) of the CEQA Guidelines, which states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. Significant environmental impacts of the proposed project are adequately investigated and discussed in Section 5 of the Biological Resources Technical Memorandum and Section 3.4 of the IS/MND.

The project construction activities are scheduled to begin in early 2024. As part of mitigation measure BIO-1, nesting bird surveys, which would include the mountain plover, are required to be conducted if construction activities occur during the general nesting bird season. Mitigation measure BIO-2 requires preconstruction surveys for burrowing owl during anytime of the year, and includes specific measures consistent with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012) to avoid take of burrowing owl.

Regarding plants, there are no special-status plant species that have the potential to occur on developed lands, disturbed habitat, or agricultural areas; therefore, rare plant surveys are not required.

Based on the information provided in the Biological Resources Technical Memorandum, IS/MND, and above information, the suggested additional mitigation measure to conduct a complete inventory of rare, threatened, endangered, and other sensitive species is not necessary as it would not result in information that would change the analysis of species known to occur or with potential to occur and, therefore, would not result in the identification of new significant impacts nor require additional mitigation measures to reduce the impacts analyzed in the IS/MND.

Comment No. 4: Nesting Birds

The comment states that "CDFW is concerned that the MND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are mitigated to a level less than significant." As such, CDFW recommends that the mitigation measure proposed in the IS/MND to reduce potentially significant impacts to nesting birds (BIO-1) be revised as specified in their comment.

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In response, as the comment notes, the IS/MND identified potentially significant impacts to nesting birds that would result from project construction and includes a proposed mitigation measure to reduce such impacts. Of note, the IS/MND mitigation measure already includes provisions largely similar to those included in the revised mitigation measure proposed by CDFW.

The comment is correct that the IS/MND states the "study area contains trees, shrubs, and bare ground that would potentially be used by migratory birds for breeding" (IS, p. 37). However, the comment incorrectly states that a vermillion flycatcher was observed nesting on site; a vermillion flycatcher was observed *outside* of the study area during the reconnaissance survey. IS/MND Appendix C, Biological Resources Technical Memorandum, Attachment F, states the following as to the vermillion flycatcher "A vermillion flycatcher was observed by a Dudek biologist during the biological reconnaissance survey in February 2023. *However, the study area lacks riparian woodlands, riparian scrub, freshwater marsh, or desert riparian habitat typically utilized by this species for nesting. Therefore, this species is not expected to nest within the study area.*" (*Emphasis* added)

Project construction activities are scheduled to begin in early 2024. Accordingly, BIO-1 is adequate as proposed and would mitigate any potentially significant impacts to nesting birds and, as such, no revisions are necessary. Nonetheless, to address the concerns raised by the comment, mitigation measure BIO-1 has been modified to extend the nesting season from February 1 to September 30, which captures a longer nesting season to accommodate potential earlier nesting or longer nesting seasons. (See Response to Comment No. 7 for the full text of the revised mitigation measure.)

Comment No. 5: Burrowing Owl Surveys

The comment states that "CDFW is concerned that the MND does not sufficiently identify Project impacts to burrowing owl or ensure that impacts are mitigated to a level less than significant." As such, CDFW recommends that the mitigation measure proposed in the IS/MND to reduce potentially significant impacts to burrowing owls (BIO-2) be revised as specified in their comment.

In response, as the comment notes, the IS/MND identified potentially significant impacts to burrowing owls that would result from project construction and includes a proposed mitigation measure to reduce such impacts.

As described in Response to Comment No. 3 above, burrowing owls are known to occur throughout Imperial County, including in agricultural areas, and because of that, are assumed to have the potential to occur on site. The IS/MND identifies potentially significant impacts to the species and provides mitigation to avoid take of the species. Focused surveys requested by CDFW would not result in new information that would change the analysis of these species onsite -- whether observed or not, they would still be analyzed as having the potential to occur, potential to be impacted, and, as such, require mitigation to avoid take.

In response to the comment, the IS/MND will be updated to provide additional information on the quality of habitat on site for burrowing owl as follows: the nesting and foraging habitat onsite and in the surrounding area includes highly variable habitat due to the actively managed agricultural areas (disked, irrigated, pesticide application, etc.) and is generally of low quality. Additionally, impacts to potentially occupied habitat is small (the agricultural area is approximately 1.57 acres).

Therefore, the overall low quality of the habitat combined with small acreage onsite does not warrant compensatory mitigation recommended by the Staff Report. The survey protocols, active burrow avoidance, and/or preparation of a Burrowing Owl Relocation Mitigation Plan in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012) are already included in mitigation measure BIO-2 and, as such, the measure is adequate as proposed and the revisions suggested by CDFW are not necessary to mitigate potential impacts. Nonetheless, to address the concerns raised by the comment, the mitigation measure will be modified as follows (additional text shown in <u>underline</u>, deleted text shown in <u>strikeout</u>):

BIO-2: Burrowing Owl <u>Surveys</u> Avoidance and Relocation. Prior to the initiation of construction activities, SDSU, or its designee, shall retain a biologist to conduct a pre-construction survey for burrowing owl to determine the presence/absence of the species. SDSU shall submit at least one burrowing owl pre-construction survey report to the satisfaction of CDFW to document compliance with this mitigation measure. For the purposes of this mitigation measure, "qualified biologist" is a biologist who meets the requirements set forth in the California Department of Fish & Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012).

The survey shall be conducted within 30 <u>14</u> days <u>prior to the start of project-related construction</u> <u>activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on</u> <u>Burrowing Owl Mitigation (2012 or most recent version). of site disturbance in accordance with the</u> <u>most current and applicable CDFW protocol.</u> If burrowing owls are not detected during the survey, no additional surveys or mitigation is required. Preconstruction surveys shall observe suitable burrowing owl habitat within the Project footprint and within 500 feet of the Project footprint (or within an appropriate buffer as required in the most recent guidelines and where legal access to conduct the survey exists).

Nesting Season Observation

If burrowing owl is located during the survey, occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a biologist approved by CDFW verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or that juveniles from the occupied burrows are foraging independently and capable of independent survival. If occupied burrows are present during the nesting season, construction activities may commence, or resume as applicable, after non-disturbance buffers are implemented by a biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrows are present, the biologist shall be contracted to perform monitoring during all construction activities approximately every other day. However, the definitive frequency and duration of monitoring shall be dependent on whether it is the breeding versus non-breeding season and the efficacy of the disturbance buffers, as determined by the biologist and in coordination with CDFW.

Non-Breeding/Non-Nesting Observation

If burrowing owl is detected during the non-breeding/non-nesting season (September 1 through January 31) or if confirmed to not be nesting, a non-disturbance buffer between the project activities and the occupied burrow shall be installed by a qualified biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). However, under these circumstances, monitoring by the biologist is not required.

Avoidance Not Possible Through Non-Disturbance Buffers

If avoidance is not possible through the installation of non-disturbance buffers, SDSU, or its designee, shall prepare a Burrowing Owl Relocation and Mitigation Plan (Plan) for submittal and approval by CDFW. Once approved, the Plan would be implemented to relocate burrowing owls from the Project site. The Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take.

Comment No. 6: CDFW Lake and Streambed Alteration (LSA) Program

The comment states that the IS/MND acknowledges that drainage canals are located in proximity to the proposed Project but does not include mitigation measures to avoid or reduce impacts to a level less than significant. The comment also states that the ditches "may provide suitable habitat for biological resources."

In response, the IS/MND provides a comprehensive overview of the Project site for habitat for biological resources, including the referenced ditches. IS/MND Section 3.4, Biological Resources, and Appendix C of the IS/MND, the Biological Resources Technical Memorandum, describe the biological resources existing throughout the project site, including the ditches referenced in the comment, which are not drainage canals. Specifically, Attachments E and F to the Biological Resources Technical Memorandum analyze the potential for special-status plants and wildlife to occur throughout the Project site, respectively and the IS/MND analyzes potential impacts to all resources and provides mitigation measures to reduce the impacts to special-status species that have the potential to be impacted by the proposed project.

Furthermore, as to the referenced ditches, the ditches do not qualify as "wetlands" and, therefore, there are no impacts within the meaning of Threshold IV(c) of Appendix G of the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, sections 15000-15387). In response to the comment, CSU/SDSU has updated the IS/MND, including Biological Resources Technical Memorandum, to clarify this point.

The comment acknowledges that the IS/MND includes a mitigation measure addressing potential impacts to aquatic resources such as the ditch, but CDFW considers the measure to be insufficient in scope and timing and recommends an alternative mitigation measure relating to compliance with Fish & Game Code section 1602, which is a regulatory permitting scheme separate from the requirements of CEQA.

In response, the IS/MND recognizes the existence of the referenced ditches, identifies potentially significant impacts to the resource water quality, and as a result includes a mitigation measure that would reduce such impacts to less than significant. Mitigation measure BIO-3 includes provisions to prevent the deposition of debris, waste, or other materials that could pass into the subject ditch as a result of project construction and implementation. The IS/MND has been updated to clarify that the ditches onsite were constructed entirely in upland areas around 2004, likely for the function of irrigating individual fields or
draining onsite runoff, and do not serve as critical conveyance pathways for regional irrigation like larger, potentially jurisdictional ditches. As such, the subject ditches would not be federally regulated by the US Army Corps of Engineers and are not regulated by CDFW and the Regional Water Quality Control Board.

With respect to Section 1602, the comment states that notification pursuant to Fish and Game Code section 1602 was required in this case. Section 1602 requires CDFW notification prior to commencing any activity that may: "substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake."

It should be noted that the IS/MND only needs to analyze and identify potential impacts to the resource and provide appropriate mitigation, which it does. Fish and Game Code section 1602 is a regulatory requirement and not a threshold analyzed under CEQA. That the impact may trigger some other regulatory duty, such as securing a 1602 permit, is not material to whether the CEQA analysis itself is adequate. Furthermore, as noted above, the biologist's initial assessment is that the subject ditches do not constitute a river, stream, or lake within the meaning of section 1602.

Notwithstanding, section 1602 requires notification prior to the commencement of the identified activities, none of which have yet begun. In any event, the Notice of Intent to Adopt a Mitigated Negative Declaration provided CDFW with actual notice of the proposed project and, therefore, the notice requirements of section 1602 have not been violated.

In any event, CSU/SDSU will comply with all Section 1602 requirements as applicable and mitigation requiring regulatory compliance is not required or necessary, for the simple reason that regulatory compliance is already required by law.

Comment No. 7: Construction Noise

The comment states the IS/MND reports that construction noise could reach levels up to 70dBA but does not include analysis of the potential impacts on biological resources and does not include sufficient mitigation measures to avoid or reduce such impacts to less than significant; CDFW states that wildlife species "may be adversely affected" at levels in the range of 55 to 60 dBA. The comment includes a recommended mitigation measure to reduce any such impacts.

In response, CSU/SDSU notes that the IS/MND expressly addresses construction related noise impacts on biological resources. IS/MND Section 3.4, Biological Resources, p. 37, includes analysis of the proposed project's construction impacts on nesting birds and the burrowing owl, the analysis identifies potentially significant impacts, and includes proposed mitigation to reduce the identified impacts to less than significant.

Noise section, Section 3.13 of the IS/MND, presents analysis of the proposed project's noise impacts consistent with CEQA Guidelines Appendix G. Specific to construction noise, the analysis determines that at a distance of 300 feet from the Project site, noise levels would be approximately 70 dBA over an 8-hour period for the noisiest phase (Project grading). (IS/MND, p. 76.) This predicted exposure level during daytime hours is below Imperial County's criterion of 75 dBA or the FTA guidance threshold of 80 dBA. At the exterior of the nearest noise-sensitive receptor (1,390 feet from the project site), the predicted construction noise level would be 57 dBA during the grading phase, which is comparable to or less than

existing outdoor ambient noise levels. (IS/MND, p. 76.) For these reasons, construction noise impacts would be less than significant and no mitigation is required. (IS/MND, p. 76.)

Specific to biological resources, IS/MND Section 3.4, Biological Resources, reports that "indirect impacts to nesting birds from short-term, construction-related noise could result in decreased reproductive success or abandonment of any area as nesting habitat if construction were conducted during the breeding/nesting season (i.e., January through August). Therefore, direct and indirect impacts to nesting birds would be significant absent mitigation. Implementation of recommended mitigation measure BIO-1 would ensure that nesting birds would not be impacted by project construction activities during nesting season." (IS/MND, p. 37.)

Further, with respect to Burrowing Owls, Section 3.4 also addresses potential impacts to the species relative to construction noise – "Indirect impacts to burrowing owl include vibration, excess noise, chemical pollution, fugitive dust, and increased human presence. Direct and indirect impacts to burrowing owl specific to construction of the proposed project, therefore, would be potentially significant" absent mitigation. (IS/MND, p. 37.)

In response to the comment, the IS/MND has been updated to clarify the overall poor habitat quality and low potential for biological resources to occur on site and surrounding areas. In general, due to the developed and disturbed conditions of the site and surrounding areas, the potential for biological resources to occur is low, and thus, the potential for species to be significantly impacted by construction-related noise also is low.

The above notwithstanding, CSU/CDFW will defer to CDFW as the sister state agency with authority over fish and wildlife resources and will add the following clarifying information to the IS/MND Project Description:

"Consistent with standard construction and local practice, CSU/SDSU will restrict use of constructionrelated equipment to daylight hours and will restrict the use of generators except for temporary use in emergencies. Power to the construction site may be provided by solar photovoltaic systems, cogeneration systems, small micro-hydroelectric systems, or small wind turbine systems, as feasible. SDSU will ensure use of noise suppression devices such as mufflers or enclosures for generators to the greatest extent practicable."

In addition, while compliance with standard construction practice and proposed mitigation measure BIO-1 would mitigate any potential noise impacts to biological resources, in response to the concerns raised by the comment, mitigation measure BIO-1 has been modified as follows (additional text shown in <u>underline</u>, deleted text shown in <u>strikeout</u>):

BIO-1: Pre-Construction Nesting Bird Survey. If ground disturbance and/or vegetation clearance activities are scheduled to occur during the avian nesting season (February 1st15th to AugustSeptember 30th), SDSU, or its designee, shall retain a biologist to conduct a pre-construction nesting bird survey within the area to be disturbed and a 500-foot-buffer. Surveys should be conducted within 3 days prior to initiation of activity between dawn and noon.

If construction begins outside the nesting bird season (i.e., between AugustOctober 31st and January 31stFebruary 14th), work may proceed without a nesting bird survey. If construction begins

37

outside the nesting season, but crosses into the nesting season (i.e., start in January but work until March), construction activities may proceed without a nesting bird survey. However, anytime construction must pause for more than 72-hours during the nesting season, an updated nesting bird survey should be conducted prior to the resumption of construction activities.

If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a biologist retained by SDSU. The buffer should be of sufficient distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the biologist until nestlings have fledged and dispersed, or it is confirmed that the nest has been unsuccessful or abandoned. Noise levels will be monitored at active nests of special-status bird species to ensure noise levels do not exceed 55-60 dBA range.

Comment No. 8: Artificial Nighttime Light

The comment states the IS/MND does not analyze impacts to biological resources from artificial nighttime light and includes no mitigation measures to avoid or reduce impacts to biological resources. The comment recommends adoption of a mitigation measure to reduce potential impacts.

In response, IS/MND Section 3.1, Aesthetics, addresses the CEQA Appendix G criterion whether the proposed project would "create a new source of substantial light or glare which would adversely affect day or nighttime views in the area." (See, IS/MND pp. 22-23.) The analysis notes that mitigation previously adopted as part of the Campus Master Plan EIR requires compliance with Title 24 of the California Code of Regulations, which includes requirements for indoor and outdoor lighting systems associated with new development. (IS/MND, p. 22; 2003 Mitigation Monitoring and Reporting Program, p. 11-1.) As explained in the IS/MND:

"New lighting sources would be of appropriate intensity for the intended use (e.g., safety, security, and/or general illumination for pedestrians), and would generally be hooded and directed downward to minimize potential for skyglow, glare, and/or light trespass to off-campus area. In addition, all exterior lighting sources installed on the project site would be compliant with California Energy Code allowances for lighting power and lighting control requirements and with Title 24, Part 6, the CALGreen requirements related to light pollution reduction. For example, Title 24, Part 6, Section 130 outlines mandatory requirements for lighting systems and equipment for nonresidential occupancies. These include but are not limited to wattage requirements, lighting controls, and light shielding/glare requirements in accordance with American National Standards Institute/Illuminating Engineering Society (ANSI/IES) standards. Because lighting installed on the project site would be of a similar distribution and intensity of existing sources at the Brawley Center, and because lighting sources would be hooded, directed downward, and compliant with applicable standards (i.e., Title 24, ANSI/IES) for lighting control and light pollution reduction, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area." (IS/MND, pp. 22-23.) See also Response to Comment No. 3 regarding the lack of sensitive species on the site and immediate area due to poor habitat conditions.

CDFW recommends adding a mitigation measure that requires all nonessential lighting throughout the project area be eliminated, avoiding or limiting the use of artificial light during the hours of dawn and dusk, and ensuring that lighting for project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky.

In response, the proposed Project's lighting and operation would be consistent with the recommended mitigation and, therefore, would achieve the same results. As noted, lighting for the proposed project would include hooded lighting directed downward to minimize potential for skyglow, glare, and/or light trespass, and all lighting would comply with Title 24 requirements related to light pollution. Moreover, project lighting necessarily would be "essential," of appropriate intensity for safety, security, and/or general illumination for pedestrians. Title 24 includes requirements for motion sensor lighting, which will further help reduce nighttime lighting, essential or otherwise. Additionally, as noted above, due to the developed and disturbed conditions of the site and surrounding areas, the potential for biological resources to occur is low. As such, with implementation of the project design features, in combination with the limited potential for biological resources to accur, the proposed project's nighttime lighting would necessarily result in less than significant impacts to biological resources.

To clarify this point, the following text will be added to the IS/MND Section 3.4, Biological Resources:

"As described in Section 3.1, Aesthetics, new lighting sources would be of appropriate intensity for the intended use (e.g., safety, security, and/or general illumination for pedestrians), and would generally be hooded and directed downward to minimize potential for skyglow, glare, and/or light trespass to off-campus area. Because lighting installed on the project site would be of a similar distribution and intensity of existing sources at the Brawley Center, and because lighting sources would be hooded, directed downward, and compliant with applicable standards (i.e., Title 24, ANSI/IES) for lighting control and light pollution reduction, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Potential indirect impacts to biological resources from lighting would be less than significant, and no additional mitigation is required."

Thus, CDFW's proposed mitigation measure is not necessary, nor would it add any essential requirements to the operation of the proposed Project not already included.

Comment regarding Environmental Data

CDFW requests that CSU/SDSU report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). SDSU's biological resources consultant Dudek will report any such species as requested.

Environmental Document Filing Fees

CDFW notes that applicable CDFW fees are payable upon filing of the Notice of Determination. CSU/SDSU will pay any applicable fees due upon filing of the NOD. CSU/SDSU will pay all fees due as required.

Conclusion

CDFW concludes that the IS/MND does not adequately identify or mitigate the Project's significant, or potentially significant impacts on biological resources, and the CEQA Guidelines indicate that recirculation is required when insufficient information in the IS/MND precludes meaningful review (CEQA Guidelines section 15088.5) or when a new significant effect is identified and additional mitigation measures are necessary (section 15073.5). As such, "CDFW recommends that a revised IS/MND, including a complete Project description and a current assessment of biological resources, be recirculated for public comment. CDFW also recommends that a revised IS/MND include an analysis of impacts to biological resources from

construction noise and artificial nighttime lighting, as well as mitigation measures described in this letter for the assessment of biological resources, nesting birds, burrowing owl, CDFW's Lake and Streambed Alteration Program, construction noise, and artificial nighttime light to ensure impacts to biological resources are avoided or reduced to less than significant."

In response, the recirculation standards applicable to the proposed project's IS/MND are set forth in CEQA Guidelines section 15073.5. As provided, a lead agency is required to recirculate a negative declaration if substantial revisions must be made after the document has been circulated for public review but prior to its adoption. (CEQA Guidelines, §15073.5, subd. (a).) The CEQA Guidelines define a "substantial revision" for this purpose to include:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(CEQA Guidelines, §15073.5, subd. (b).) Of equal importance, the CEQA Guidelines also explicitly identify four circumstances that do *not* require recirculation of a negative declaration:

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.4.
- (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

(CEQA Guidelines, \$15073.5, subd. (c).)¹

In this instance, recirculation of the proposed project's IS/MND is *not* required under CEQA Guidelines Section 15073.5, subdivision (b), because: (1) no new, avoidable significant effects requiring the addition of mitigation measures or project revisions have been identified through the response-to-comment process; and, (2) CSU/SDSU has not determined that the mitigation measures included in the MND circulated for public review will not sufficiently reduce the proposed project's impacts to less-than-significant levels.

¹ CSU/SDSU notes that CEQA Guidelines section 15088.5, while cited in CDFW's comment letter, does not apply in this instance. Section 15088.5 addresses "Recirculation of an EIR Prior to Certification." As an EIR was not required for the proposed project, CEQA Guidelines section 15073.5 (not section 15088.5) applies.

Additionally, any revisions proposed to be made to the IS/MND would merely clarify points already made in the draft documents and make insignificant modifications.

Importantly, as demonstrated through these responses to comments, the combination of the 2003 Campus Master Plan EIR and the proposed project's IS/MND provide a complete and comprehensive assessment of potential impacts to biological resources, with such impacts being effectively reduced - where needed - through a combination of project features and the proposed mitigation measures. While CSU/SDSU has identified minor modifications to the proposed mitigation measures in response to recommendations by its sister state agency, CDFW, the modifications to these mitigation measures does not independently trigger recirculation, as the draft MND's significance conclusions were adequate and supported by substantial evidence. Instead of being included to cure an analytical deficiency that would necessitate recirculation, CSU/SDSU has identified CDFW's recommendations for inclusion in the final MND based on its acknowledgement of CDFW's subject matter expertise relative to the protection of California's biological resources and its continuing desire to cooperate and collaborate with its sister state agency. (See CEOA Guidelines, §15073.5, subd. (c); Leonoff v. Monterey County Bd. of Supervisors (1990) 222 Cal.App.3d 1337, 1357 ["... if the initial public review demonstrates the initial mitigation will adequately reduce potential effects to insignificance, imposition of additional mitigation does not require further public review. ... Thus, if the County imposed further conditions in an excess of caution, they were not subject to public review."]; see also Long Beach Sav. & Loan Assn. v. Long Beach Redevelopment Agency (1986) 188 Cal.App.3d 249, 262-263 [recirculation of MND not required where additional mitigation measures were included in response to comment].)

As such, recirculation of the IS/MND is not required in this case.

DISTRICT 11 4050 TAYLOR STREET, MS-240 SAN DIEGO, CA 92110 (619) 709-5152 | FAX (619) 688-4299 TTY 711 www.dot.ca.gov

October 5, 2023

11-IMP-78 PM 16.153 SDSU Science Building MND/SCH# 2002051010

Ms. Amanda Scheidlinger SDSU Director of Construction San Diego State University 5500 Campanile Drive San Diego, CA 92182

Dear Ms. Scheidlinger:

Thank you for including the California Department of Transportation (Caltrans) in the review process of the Mitigated Negative Declaration (MND) for the San Diego State University (SDSU) Brawley Campus located near State Route 78 (SR-78) in the Brawley area. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the County of Imperial in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Engineering and Analysis

- 1. Section A "Campus Master Plan EIR Traffic Impact Analysis", on Page 4:
 - a) Bullet #1 stated "Provision of an eastbound left-turn pocket and a westbound right-turn pocket on SR-78 at the project access point, provision of a dedicated southbound left-turn lane and right-turn lane at the project driveway approaching SR-78 shall be completed by Caltrans". Caltrans does not mitigate projects from another agency without a written agreement such as a Memorandum of Understanding (MOU), Cooperative Agreement (CO-OP) or Highway Improvement Agreement (HIA).

SDSU will need to provide a signed written agreement between Caltrans and California State University (CSU)/SDSU that states Caltrans agreed to mitigate this project on behalf of CSU. Otherwise, the above mitigation condition will need to be mitigated by the project owner.

- b) Bullet #2 stated "Caltrans shall ensure that County of Imperial standards are applied to the corner sight distance at the campus access point". Caltrans normal practice is when the access point or driveway is in Caltrans Right-of-Way (R/W), Caltrans current standards shall be applied.
- c) Bullet #3 stated "The eventual signalization of the SR-78/SR-111 intersection, including dedicated northbound left turn lane with a shared through-right turn lane shall be completed by Caltrans". Currently, the intersection of SR-78/SR-111 is signalized as shown on Google maps. Therefore, the Bullet #3 statement conflicts with the current field conditions. Please verify and confirm.
- d) Paragraph #4 stated "Note that in addition to the above improvements, R/W consistent with Caltrans standards has been dedicated along the project frontage. As previously mentioned, the access point to SR-78 at the SR-78/SR-111 intersection remains unsignalized since signal warrants are not met". Please confirm if this is at the project driveway and provide the signal warrants analysis for review.

- 2. Page 3, and Paragraph #2 states that all the improvements encompassed by the mitigation measures have been implemented to date, with the exception of signalization of the SR-78/SR-111. Currently, SR-78/SR-111 intersection is signalized as shown on Google maps. Therefore, the statement conflicts with the current field conditions. Please verify and confirm.
- 3. Page 6 the Vehicle Miles Traveled (VMT): VMT thresholds and guidance must be followed for VMT analysis and not by professional judgment. Refer to the Governor's Office of Planning and Research Guidance for VMT analysis.
- 4. Provide a VMT analysis or provide justifications documenting why a VMT analysis is not required.

Hydrology and Drainage Studies

- 1. Provide Improvement Plans outside Caltrans' R/W (offsite) and include:
 - Grading Plans with 0.2-foot contour intervals.
 - Drainage Infrastructures Plans (existing and proposed).
 - Complete Hydrology and Hydraulics Report that includes bio-retention areas.
 - Show Caltrans' R/W and SR-78 centerline.
- 2. If applicable, provide SR-78 Improvement Plans (onsite) and include:
 - Existing and Proposed Grading Plans with 0.1-foot contour intervals.
 - Existing and Proposed Drainage Features.
 - Department's Right of Way and centerline.
 - Existing and Proposed Roadway Features.
 - State Route-78 onsite Hydrology and Hydraulics Studies in accordance with Caltrans Highway Design Manual (HDM) for the existing and proposed conditions.
- 3. Early coordination with Caltrans is recommended.
- 4. Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Traffic Control Plan/Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <u>http://www.dot.ca.gov/trafficops/permits/index.html</u>

A Traffic Control Plan is to be submitted to Caltrans District 11, including the intersection at SR-111/SR-78, at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.

Potential impacts to the highway facilities (Route 78) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of Route 78.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the environmental document that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to

lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of Vehicles Miles Traveled (VMT) and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Mitigation

Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance pursuant to the CEQA and National Environmental Policy Act (NEPA) standards.

Right-of-Way

Caltrans does not have any records of receiving property in this area for the right turn lane on westbound SR-78. The applicant or the University should have any records of dedication and to whom they were dedicated. We were able to find a parcel map recorded with the Imperial County in 2003, showing an Irrevocable Offer of Dedication (IOD) to the County. We do not know if the University accepted this IOD. This would need to be verified with Imperial County. Presently Caltrans' R/W does not reflect the IOD. This would need more research to find the documents and the applicant should provide us with all the appropriate documentation to verify the dedications.

See attached Parcel map and Right of Way map.

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing <u>D11.Permits@dot.ca.gov</u> or by visiting the website at <u>https://dot.ca.gov/programs/traffic-operations/ep</u>. Early coordination with Caltrans is strongly advised for all encroachment permits.

SDSU shall prepare and submit to Caltrans closure plans as part of the encroachment permit application. The plans shall require that closure or partial closure of SR-78 be limited to times as to create the least possible inconvenience to the traveling public and that signage be posted prior to the closure to alert drivers of the closure in accordance with Caltrans requirements. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during the closures, traffic, including routes and signage.

The Highway Closure Plan, as part of the encroachment permit, should be submitted to Caltrans at least 30 days prior to initiating installation of the crossings. No work shall begin in Caltrans' R/W until an encroachment permit is approved.

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts with the Caltrans' R/W, and any corresponding technical studies. Please see the following chapters in the Caltrans' manuals:

- Chapter 600 of the Encroachment Permits Manual for requirements regarding utilities and state R/W: <u>https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada-ally.pdf</u>.
- Chapter 2-2.13 of the Plans Preparation Manual for requirements regarding utilities and state R/W: <u>https://dot.ca.gov/-/media/dot-</u> media/programs/design/documents/cadd/ppm-text-ch2-sect2-13-a11y.pdf
- Chapter 17 of the Project Development Procedures Manual <u>https://dot.ca.gov/-/media/dot-media/programs/design/documents/pdpm-chapter17-a11y.pdf</u>.

If you have any questions or concerns, please contact Mark McCumsey, LDR Coordinator, at (619) 985-4957 or by e-mail sent to Mark.McCumsey@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON Branch Chief Local Development Review

Attachments

PARCEL MAP NO. M-2355

SIGNATURE OMMISSIONS STATEMENT:

THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED PURSUANT TO SECTION 66436 OF THE SUBDIVISION MAP ACT:

THE FOLLOWING EASEMENTS/DOCUMENTS HAVE BEEN REPORTED AS AFFECTING THE SURVEYED PARCELS BY PRELIMINARY TITLE REPORT ISSUED BY CHICAGO TITLE INSURANCE COMPANY AS ORDER NO. 17066518-GIO DATED MAY 21, 2003.

() IMPERIAL IRRIGATION DISTRICT AND ALAMITOS LAND COMPANY: A DOCUMENT ENTITLED "AGREEMENT" RECORDED NOVEMBER 9, 1959 IN BOOK 1036, PAGE 25 OF OFFICIAL RECORDS OF THE IMPERIAL COUNTY RECORDER.

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. THE EXACT EXTENT AND LOCATION OF SAID DOCUMENT CANNOT BE DETERMINED FROM THE RECORD. ANY IMPLIED EASEMENT, IF ANY, CONTAINED IN SAID DOCUMENT IS NOT PLOTTED HEREON.

(2) IMPERIAL IRRIGATION DISTRICT: A RIGHT OF WAY FOR THE CONSTRUCTION OF, MAIN-TENANCE AND/OR USE OF A CANAL, OR CANALS, OPEN AND/OR UNDERGROUND, TELEPHONE AND/OR ELECTRIC POWER LINE OR LINES, OVERHEAD AND/OR UNDERGROUND AS NOW EXIST, OR AS MAY HEREAFTER BE CONSTRUCTED, ENLARGED OR OTHERWISE CHANGED AS RECORDED JUNE 13, 1962 IN BOOK 1113, PAGE 343 OF OFFICIAL RECORDS.

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS, SAID RIGHT OF WAY IS PLOTTED HEREON

(3) IMPERIAL IRRIGATION DISTRICT: AN EASEMENT FOR CONSTRUCTING, OPERATING AND MAINTAINING A POWER LINE OR LINES, UNDERGROUND AND/OR OVERHEAD AND NECES-SARY APPURTENANCES ATTACHED THERETO OR AS FROM TIME TO TIME MAY BE CONSTRUCTED, ENLARGED OR OTHERWISE CHANGED AS RECORDED DECEMBER 11, 1969 AS FILE NO.18 IN BOOK 1286, PAGE 929 OF OFFICIAL RECORDS.

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. SAID RIGHT OF WAY IS PLOTTED HEREON

- (4) IMPERIAL IRRIGATION DISTRICT: AN RIGHT OF WAY FOR CONSTRUCTION, MAINTENANCE AND/OR USE OF A CANAL, OR CANALS, OPEN AND/OR UNDERGROUND, TELEPHONE AND/OR ELECTRIC POWER LINE OR LINES, OVERHEAD AND/OR UNDERGROUND AS NOW EXIST, OR AS MAY HEREAFTER BE CONSTRUCTED, ENLARGED OR OTHERWISE CHANGED, AS RECORDED JUNE 13, 1962 IN BOOK 1113, PAGE 338 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. SAID RIGHT OF WAY IS PLOTTED HEREON
- (5) IMPERIAL IRRIGATION DISTRICT: AN EASEMENT FOR CONSTRUCTION, MAINTENANCE AND/OR USE OF A CANAL, OR CANALS, OPEN AND/OR UNDERGROUND, TELEPHONE AND/OR ELECTRIC POWER LINE OR LINES, OVERHEAD AND/OR UNDERGROUND AS NOW EXIST, OR AS MAY HEREAFTER BE CONSTRUCTED, ENLARGED OR OTHERWISE CHANGED, AS RECORDED JUNE 13, 1962 IN BOOK 1113, PAGE 341 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. SAID RIGHT OF WAY IS PLOTTED HEREON.
- (6) IMPERIAL IRRIGATION DISTRICT: AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE AND/OR USE OF A CANAL OR CANALS, OPEN AND/OR UNDERGROUND, TELEPHONE AND/OR ELECTRIC POWER LINE OR LINES UNDERGROUND AS NOW EXIST, OR AS MAY HEREAFTER BE CONSTRUCTED, ENLARGED OR OTHERWISE CHANGED. RECORDED ON JUNE 13, 1962 AS FILE No. 27, IN BOOK 1113, FAGE 342 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. SAID RIGHT OF WAY IS PLOTTED HEREON.
- (7) IMPERIAL IRRIGATION DISTRICT: A RIGHT OF WAY 16 FEET WIDE FOR CANAL, TELEPHONE AND POWER LINE. RECORDED IN BOOK 741, PAGE 284 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. SAID RIGHT OF WAY IS PLOTTED HEREON
- (B) IMPERIAL IRRIGATION DISTRICT: A RIGHT OF WAY RECORDED JUNE 13, 1962 IN BOOK 1113, PAGE 336 OF OFFICIAL RECORDS.

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. SAID RIGHT OF WAY IS PLOTTED HEREON.

PORTIONS OF SECTIONS 25, 26, 35 AND 36, T.13 S., R.14 E., S.B.M. IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE-SUBDIVISION OF THE FOLLOWING DESCRIBED LANDS: THE FOLLOWING DESCRIBED PARCELS OF LAND ARE ALL LOCATED WITHIN TOWNSHIP 13 SOUTH, RANGE 14 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF PARCEL I

THE NORTH HALF OF TRACT 42 AND LOT 15 IN SECTION 25. EXCEPTING THEREFROM THAT PORTION OF SAID TRACT 42 LYING SOUTH OF THE CENTER LINE OF THE PAVED HIGHWAY EXTENDING EAST AND WEST ACROSS SAID TRACT 42. PARCEL 2:

LOT 27 AND THAT PORTION OF LOT 23, LYING EAST OF THE EAST LINE OF TRACT 43, EXTENDED NORTHERLY, IN SECTION 23.

PARCEL 3: THAT PORTION OF LOT 19 IN SECTION 25, LYING WEST OF THE MOORHEAD CANAL, AND THAT PORTION OF TRACT 41, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH 89°55' EAST, 1071 FEET TO THE CENTER LINE OF MOORHEAD CANAL; THENCE SOUTH 16º13' WEST, 453.6 FEET; THENCE SOUTH 16°31' WEST, 26.3 FEET; THENCE SOUTH 07°42' WEST, 472.4 FEET; THENCE SOUTH 89°55' WEST, 868.7 FEET; TO THE WEST LINE OF SAID TRACT; THENCE NORTH 932.4 FEET TO THE POINT OF BEGINNING.

EXCEPTING A RIGHT OF WAY OVER THAT PORTION LYING NORTH OF A LINE WHICH IS PARALLEL WITH AND 40 FEET SOUTH OF WILLS LATERAL DRAIN AND THAT PORTION LYING EASTERLY OF A LINE WHICH IS PARALLEL WITH AND 45 FEET MESTERLY OF THE CENTER LINE OF MOORHEAD CANAL. PARCEL 4:

THAT PORTION OF TRACT 41, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH ALONG THE WEST LINE OF SAID TRACT, 932.4 FEET, BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 89°55' EAST 868.7 FEET TO THE CENTER LINE OF THE MOORHEAD CANAL; THENCE SOUTH OT 42' WEST 1177.6 FEET; THENCE SOUTH 23°35' WEST, 340 FEET TO THE CENTER LINE OF SAID IMPERIAL COUNTY HIGHWAY TO THE WEST LINE OF SAID TRACT; THENCE NORTH OO"10' WEST 1478 FEET TO THE POINT OF BEGINNING.



THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF LUCKEY RANCH, LLC. ON JANUARY 15, 2003. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.



mln Olun GORDON O. OLSON, P.L.S. 7.107

LICENSE EXPIRATION DATE: 12/31/2006

6-73-2003

DATE:

SURVEYOR'S MONUMENTATION STATEMENT:

I, GORDON O. OLSON, HEREBY STATE THAT ALL MONUMENTS SHOWN ON THIS MAP ARE OF THE CHARACTER INDICATED AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Donder O. Qlan

GORDON O. OLSON, P.L.S. 7,107 LICENSE EXPIRATION DATE: 12/31/2006

COUNTY SURVEYOR'S STATEMENT:

I, TIMOTHY B. JONES, COUNTY SURVEYOR FOR IMPERIAL COUNTY, STATE THAT I HAVE EXAMINED THIS MAP AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF; AND THAT ALL REQUIREMENTS OF CHAPTER 2, DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND DIVISION 8, TITLE 9, OF CODIFIED ORDINANCE OF IMPERIAL COUNTY APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

643 TIMOTHY B. JONES, P.L.S. 5926 IMPERIAL COUNTY SUBJEYOR LICENSE EXPIRATION DATE: 12/51/2004

my 15,2003

DATE:

COUNTY PLANNING DIRECTOR'S STATEMENT:

PURSUANT TO SECTION 90805.18 OF THE CODIFIED ORDINANCES FOR IMPERIAL COUNTY, I HEREBY CERTIFY THAT THIS MAP COMPLIES WITH THE APPROVED TENTATIVE MAP



TIMOTHY B.

JONES

Exp. 12-5/-04.

No. 5926



COUNTY RECORDER'S STATEMENT:

FILED THIS 29 th DAY OF JULY , 2003, AT4:26, IN BOOK 12 OF PARCEL MAPS AT PAGE 13, AT THE REQUEST OF DEVELOPMENT DESIGN & ENGINEERING, INC.

Fee # 11.00 DATE:

Solares Provencio DOLORES PROVENCIO IMPERIAL COUNTY RECORDER

03-22367 DOCUMENT NO.

CERTIFICATES RECORDED:

	anna certificate		
:	Uwper-scentrale	11145:	
300K:	PAGE: /596	BOOK:	PAGE:
TITLE:	TaxCertificate	TITLE:	
B00K:	2222 PAGE: 1599	BOOK:	PAGE:
TITLE:	Subdivision Guarantee	TITLE:	
B00K:	2222 PAGE: 1600	BOOK:	PAGE:
TITLE	Right of Way Deed	TITLE:	
BOOK:	2222 PAGE: 1604	BOOK:	PAGE:

DEVELOPMENT DESIGN AND ENGINEERING, INC H:\PROJECT5\2003\02074\02074PMI.DWG 06-23-03

OF 3 SHEET | PROJECT 02074











SURVEYOR'S MONUMENTATION NOTES:

(1) SW CORNER TRACT 85

- FOUND 2"(O.D.) IRON PIPE SET BY IMPERIAL COUNTY SURVEYOR WITH BRASS DISK, STAMPED 1998, DOWN 03., I.P. REPORTED TO BE SET OVER GLO 4"x 4"REDWOOD POST, SET IN CARDINAL DIRECTION, SET OVER SANDSTONE "+" ROCK PER IMPERIAL COUNTY SURVEY TIES.
- 2) SE CORNER TRACT 85
 - FOUND CONCRETE CYLINDER SET BY IMPERIAL COUNTY SURVEYOR, WITH BRASS DISK, STAMPED 1984, DOWN I.O'. CYLINDER REPORTED TO BE SET OVER PIECES OF GLO REDWOOD POST WITH SANDSTONE "+" ROCK PER IMPERIAL COUNTY SURVEY TIES.
- (3) SW CORNER TRACT 177
- FOUND 2"X 2" HUB AND TACK, SET OVER RUSTED 1-1/2" IRON PIPE SET BY 1.1.D., PER IMPERIAL COUNTY SURVEY TIES. SEARCH 6' +/- EASTERLY FOUND NOTHING. ACCEPTED FOUND 2"X 2" HAT SET OVER RUSTED 1-1/2" IRON PIPE SET BY 1.1.D. AS MONUMENT FOR CORNER PER IMP.CO. SURV. TIES.
- (4) NW CORNER TRACT 42
- FOUND CONCRETE CYLINDER SET BY IMPERIAL COUNTY SURVEYOR, WITH BRASS DISK, STAMPED 1976, REPORTED TO BE SET OVER GLO SANDSTONE "+" ROCK, PER IMPERIAL COUNTY SURVEY TIES.
- 5 SW CORNER TRACT 84
- FOUND CONCRETE CYLINDER SET BY IMPERIAL COUNTY SURVEYOR, WITH BRASS DISK, STAMPED 1976, REPORTED TO BE SET OVER GLO SANDSTONE "+" ROCK, PER IMPERIAL COUNTY SURVEY TIES.
- (6) NE CORNER TRACT 76
- FOUND 1-1/2" IRON PIPE, 1.0' BELOW BANK, REPORTED TO BE SET OVER GLO 4"x 4" REDWOOD POST. (WHITE), DOWN 3', PER IMPERIAL COUNTY SURVEY TIES.
- (7) SW CORNER TRACT 277
- FOUND 1-1/2" IRON PIPE, NO TAG, DOWN 1.0', ACCEPTED AS PERPUATION OF 11D MONUMENT, PER IMPERIAL COUNTY SURVEY TIES.
- (8) NE CORNER TRACT 122
- FOUND 1-1/8" IRON PIPE SET BY IMPERIAL COUNTY SURVEYOR, DOWN 0.5'. IRON PIPE REPORTED TO BE SET OVER 6"x 15" SANDSTONE ROCK, PER IMPERIAL COUNTY SURVEY TIES.
- (9) TRACT CORNER SEARCH FOUND NOTHING. SET NOTHING UNLESS INDICATED OTHERWISE
- (10) NW CORNER TRACT 122
- FOUND BRASS DISK, STAMPED IMPERIAL COUNTY SURV. 2002, SET ON 2" (O.D.) IRON PIPE. REPORTED TO BE SET OVER GLO 4"x 4" REDWOOD POST WITH 3"x I-3/4"x I-1/2" GRANITE "+" ROCK AT BASE OF POST. TOP OF POST DOWN 2.0 FEET. ALL PER COUNTY SURVEY TIES.
- (II) CLOSING CORNER ON WEST LINE SECTION 26

FOUND IMPERIAL COUNTY SURVEY CONCRETE CYLINDER WITH BRASS CAP STAMPED 1976. CYLINDER REPORTED TO BE SET OVER 2"x 2"x 1"x 3/4" TRIANGULAR SHAPED SANDSTONE "+" ROCK, NO POST. ALL PER COUNTY SURVEY TIES.

LINE DATA TABLE:

LINE	LENGTH	BEARING	REFERENCE:		
LI	1031.19'	N89°30'22"E			
	1030.26'	5 89°57' W	GLO		
L2	455.81'	NOO°27'38"W			
	455.40'	N 00°01' W	GLO		
L3	1029.86'	N89°30'22"E			
	1028.94'	5 89°57' W	GLO		
L4	455.33'	NO0°27'53"W			
L5	1611.41	589°53'27"E			
	1611.06'	N 89°30' W	GLO		
L6	443.62	500°23'27"E			
	443.52'	NORTH	GLO 4 LS 3-52		
L7	1603.80	N89°36'33"E			
	1611.72'	EAST	GLO		
LB	454.	NOO°29'38"W			
Lq	147.94	N89°35'27"E			
	147.84	EAST	GL0#2		

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS N 89°30'59" E BEING A GRID BEARING THAT IS REPRESENTATIVE OF THE SOUTH LINE OF TRACT 84, TOWNSHIP IS SOUTH, RANGE 14 EAST, S.B.M., PER THE CALIFORNIA COORDINATE SYSTEM ZONE VI, NORTH AMERICAN DATUM 1983 (HORIZONTAL COORDINATES)

LEGEND:

3600'

- SET A 1-1/2" O.D. IRON PIPE WITH BRASS WASHER STAMPED "PLS TIOT G.OLSON" O FOUND MONUMENT AS NOTED
- (ROS) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK AND PAGE AS SPECIFIED.
- (OR) RECORD DATA PER OFFICIAL RECORD MAP RECORDED IN BOOK AND PAGE AS SPECIFICED
- (GLO) RECORD DATA PER U.S.G.L.O. PLAT FOR T.I3 S., R.I4 E., S.B.M., APPROVED DECEMBER 22, 1908 (GLO#2) RECORD DATA PER U.S.G.L.O. PLAT FOR T.14 S., R.14 E., S.B.M., APPROVED DECEMBER 22, 1908.
- (GLO#3) RECORD DATA PER U.S.G.L.O. PLAT FOR T.I3 S., R.I4 E., S.B.M., APPROVED MAY 2, 1913.
- (2)(B) MONUMENTATION NOTE AS DEFINED RECORD EASEMENT AS DEFINED UNDER SIGNATURE OMISSIONS STATEMENT - - - - PARCEL MAP BOUNDARY

DEVELOPMENT DESIGN AND ENGINEERING, INC H:\PROJECTS\2003\02074\02074PM2.DWG 06-23-03



2400'

SHEET 2 OF 3

PROJECT 02014









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FOR THIS AREA SEE MAP

3507

Brawley Sciences Building Project

Caltrans Responses to Comments

California Department of Transportation, Letter dated October 5, 2023

Comment No. 1

The comment is an introduction to the comments that follow. No further response is required.

Comment No. 2, Traffic Engineering and Analysis

The comments presented in this section relate to the Transportation Analysis (TA) technical report presented in IS Appendix K prepared by transportation engineers Linscott Law & Greenspan (LLG).

Comment 1a) refers to Page 4, Bullet Number 1, in the TA, a mitigation measure adopted in conjunction with the 2003 Campus Master Plan EIR, which states: "Provision of an eastbound left-turn pocket and a westbound right-turn pocket on SR-78 at the project access point, provision of a dedicated southbound left-turn lane and right-turn lane at the project driveway approaching SR-78 shall be completed by Caltrans." Caltrans comments that it does not mitigate projects from another agency without a written agreement, and notes that SDSU "will need to provide a signed written agreement between Caltrans and CSU/SDSU that states Caltrans agreed to mitigate this project on behalf of CSU. Otherwise, the above mitigation condition will need to be mitigated by the project owner."

In response, as Caltrans acknowledges below in a subsequent comment, all improvements encompassed by the referenced mitigation measures have been implemented.

Comment 1b) refers to a second previously adopted mitigation measure, which states: "Caltrans shall ensure that County of Imperial standards are applied to the corner sight distance at the campus access point." The comment states, "Caltrans normal practice is when the access point or driveway is in Caltrans Right-of-Way (R/W), Caltrans current standards shall be applied."

In response, CSU/SDSU notes the comment. No further response is required.

Comment 1c) refers to a third previously adopted mitigation measure, which states: "The eventual signalization of the SR-78/SR-111 intersection, including dedicated northbound left turn lane with a shared through-right turn lane shall be completed by Caltrans." The comment states, "Currently, the intersection of SR-78/SR-111 is signalized as shown on Google maps. Therefore, the Bullet #3 statement conflicts with the current filed conditions. Please verify and confirm."

In response, CSU/SDSU notes that the project's transportation engineer LLG has verified and confirmed the current condition of the SR-78/SR-111 intersection as reported in the comment. The final version of the TA will include corrected text. No further response is required.

Comment 1d) refers to the following statement in the TA: "Note that in addition to the above improvements, R/W consistent with Caltrans standards has been dedicated along the project frontage. As previously mentioned, the access point to SR-78 at the SR-78/SR-111 intersection remains unsignalized since signal

warrants are not met." The comment asks for clarification of whether this refers instead the project driveway and asks for the signal warrant analysis for review.

In response, CSU/SDSU notes that the TA statement referenced in the comment is in error. The reference to the SR-78/SR-111 intersection should have been to the campus driveway; that is, only the off-campus center's access point (i.e., the project driveway) remains unsignalized since signal warrants are not met. As previously noted, the SR-78/SR-111 intersection is currently signalized. The final version of the TA will include corrected text. As to the requested signal warrants, as the proposed project would not result in an increase in enrollment or generate additional vehicle trips beyond what the 2003 EIR anticipated, analyzed, and mitigated, a signal warrant analysis is not necessary at this time.

Comment Number 2 in this section refers to the statement in the TA on Page 3, Paragraph 2, that all the improvements encompassed by the mitigation measures have been implemented to date, with the exception of signalization of the SR-78/SR-111 intersection. Caltrans comments, "currently, SR-78/SR-111 intersection is signalized as shown on Google maps. Therefore, the statement conflicts with the current field conditions. Please verify and confirm."

As previously noted, the project's traffic engineer has confirmed that the SR-78-111 intersection currently is signalized.

Comment Number 3 in this section refers to a discussion on Page 6 of the TA of vehicle miles traveled (VMT). The comment states: "VMT thresholds and guidance must be followed for VMT analysis and not by professional judgement. Refer to the Governor's Office of Planning and Research Guidance for VMT analysis." Related Comment Number 4 states: "Provide a VMT analysis or provide justifications documenting why a VMT analysis is not required."

In response, and as further explained below, CSU/SDSU notes that the TA, and corresponding analysis in the IS-MND, correctly explain that because the proposed project would not result in an increase in student enrollment and, therefore, would not generate additional vehicle trips beyond what the 2003 EIR analyzed and mitigated, a new analysis of vehicle traffic generated is not required under CEQA. (See, e.g., *Olen Properties Corp. v. City of Newport Beach, et. al.* (June 8, 2023) Fourth Appellate District, Div. 3, Case No. AG061427.) Moreover, the TA and Initial Study do provide a new CEQA-compliant VMT analysis of construction traffic, a source of vehicle traffic not analyzed in the previous EIR. Lastly, while not required under CEQA, the TA and IS also provide a CEQA-compliant analysis of the proposed project's VMT-related operational impacts for information purposes. Any references in the TA to the traffic engineer's "professional judgment" in this regard was appropriate as the CEQA Guidelines expressly authorize a qualitative analysis in situations as these. (CEQA Guidelines Section 15064.3(b).)

As reported in the TA, the 2003 EIR included a traffic impact analysis (TIA) conducted by transportation engineers LLG pursuant to the requirements of CEQA for the then-proposed SDSU Brawley Campus Master Plan. The TIA analyzed the potential transportation-related impacts associated with development of the campus, including a full-time equivalent (FTE) student enrollment of 850. That is, the project analyzed in the TIA included the development of new classrooms and administrative buildings that would provide the necessary facilities to serve up to 850 FTE students. The proposed project would not result in an increase in FTE enrollment beyond the previously approved enrollment. (See Initial Study, Introduction, page 1.) Therefore, as a CEQA-compliant transportation analysis associated with a student enrollment up to 850

FTE previously was conducted, and the proposed project would not increase FTE enrollment beyond that number, no further analysis of vehicle traffic related to student enrollment is required under CEQA.

As to construction traffic related to the current proposed project, which was not analyzed in the prior EIR, as reported in the TA and Initial Study, construction of the proposed project would entail 7,500 CY of fill that would be cut on campus and then reused on the project site. Because the cut and fill process would be balanced on site, there would be no import or export related vehicle trips and no VMT generated in connection with this process. (TA, p. 5; IS, p. 85.)

As to vehicle trips generated by material deliveries, worker trips, etc., based on the relatively small building to be constructed, construction-related trips would generate a nominal amount of vehicle trips and associated VMT. Moreover, under CEQA and OPR Guidelines, VMT associated with heavy-duty truck trips (as opposed to light-duty and passenger vehicle trips) is not to be considered as part of the CEQA VMT analysis. For these reasons, impacts related to construction-related vehicle trips would be less than significant. (TA, p.5; IS, p. 85.)

As to those vehicle trips that would be generated in connection with operation of the new Sciences building, as previously explained, vehicle trips associated with a student enrollment of 850 FTE were previously analyzed as part of the 2003 certified EIR, with appropriate mitigation recommended and implemented. As the proposed Project would not result in an increase above the previously approved enrollment, there would be no additional vehicle trips associated with the operation of the Project; therefore, no further analysis under CEQA is required.

For information purposes, however, the TA and IS provided a qualitative analysis of VMT-related operation impacts. (See TA, p. 6; IS, p. 85.) The TA and IS explained that one of the key inputs into VMT calculations is trip length and that the presence of the SDSU off-campus center in Brawley would allow college students who live in Brawley or elsewhere in Imperial County to drive a shorter distance to school than if they attended another, more distant university. For instance, a student living in downtown Brawley would need to drive 6 miles one-way to the SDSU Brawley off-campus center, but in the absence of the Brawley campus, if that same student were to attend, for example, SDSU or UC Riverside, the student would need to travel a much greater distance, thereby generating substantially more VMT.

For comparative purposes, the distances to other comparable campuses are provided below:

•	Brawley to SDSU	120 miles

- Brawley to UC Riverside 160 miles
- Brawley to CSU San Bernardino
 150 miles

Due to the far greater distances to travel to other universities, the transportation engineer determined it is reasonable to conclude that the proposed project would result in reduced trip lengths and, therefore, reduced VMT, compared to students traveling to other campuses.

As the TA and IS further explain, the availability of the proposed new facility is analogous to opening a neighborhood Starbucks or other local serving retail facility. These types of facilities are presumed under VMT analyses to shorten trips and reduce areawide VMT because the patrons of such establishments no

3

longer need to travel to more distant locations. (See, Office of Planning and Research (OPR) Technical Advisory (December 2018, page 16); and Caltrans Transportation Impact Study Guide (May 20, 2020, page 11 [local-serving projects would have a less than significant VMT impact].) Based on the OPR (2018) and Caltrans (2020) guidelines, projects that reduce trip lengths would have a positive effect on VMT. Therefore, because the proposed project can be considered to be a local serving facility, the analysis presented in the TA and IS/MND concludes that the proposed project would result in a less than significant VMT impact.

Hydrology and Drainage Studies

Comment Number 1 in this section requests that CSU/SDSU provide improvement plans outside Caltrans' R/W (offsite) that include certain specific information.

In response, CSU/SDSU will provide the applicable referenced improvement plans under separate cover.

Comment Number 2 in this section requests, if applicable, SR-78 improvement plans (onsite) that includes certain specific information.

In response, CSU/SDSU notes that the proposed project does not include any improvements to SR-78 and, therefore, the request is not applicable.

Comment Number 3 in this section states that early coordination with Caltrans is recommended. In response, the comment is noted and CSU/SDSU will coordinate with Caltrans as necessary and appropriate.

Comment Number 4 in this section states "Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

In response, CSU/SDSU notes that construction and operation of the proposed project will not impact hydraulics within the Caltrans right-of-way. The building site of the proposed project and related construction staging area are a substantial distance from the Caltrans right-of-way. The improvement plans requested by Caltrans under Comment Number 1 above will confirm this.

Traffic Control Plan and Hauling

The comment states that Caltrans has discretionary authority and may issue a special permit to operate or move a vehicle of a size exceeding the maximum limitations specified in the California Vehicle Code.

In response, the comment is noted. CSU/SDSU will make application to Caltrans as necessary and appropriate.

The comment further states that a Traffic Control Plan is to be submitted to Caltrans District 11, including the intersection at SR-111/SR-78, at least 30 days prior to the start of any construction. The plan is to outline suggested detours to use during closures, including routes and signage. Potential impacts to Route 78 and the traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

In response, CSU/SDSU will submit the referenced Traffic Control Plan as required.

Noise

The comment states that Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of Route 78.

In response, the comment is noted by CSU/SDSU.

Environmental

The comment states that Caltrans has discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process, and Caltrans looks forward to coordination of efforts. The comment further describes that permit process and necessary documents, including technical and environmental studies.

In response, CSU/SDSU notes that as previously referenced, the proposed project will not encroach upon the Caltrans right-of-way and, therefore, no encroachment permit is necessary.

Broadband

The comment states that teleworking and remote learning lessen the impacts of traffic, which reduces VMT and greenhouse gas emissions, and that the availability of affordable, reliable high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

In response, the comment is noted. No further response is required.

Mitigation

The comment states that Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance.

In response, as previously noted, the proposed project would not add any additional traffic beyond that previously analyzed and mitigated pursuant to the Master Plan EIR. Also as previously noted, all applicable mitigation measures adopted in conjunction with the prior EIR have been implemented. Please also see the prior response regarding VMT analysis at pages 2-4 of these responses.

Right-of-Way

The comment states that Caltrans does not have any records of receiving property in this area for the right turn lane on westbound SR-78, and that SDSU should have any records of dedication and to whom they were dedicated. Caltrans notes that it located a parcel map recorded with Imperial County in 2003, showing an Irrevocable Offer of Dedication (IOD) to the county, though Caltrans does not know if SDSU accepted the IOD, which needs to be verified with Imperial County. The comment notes further that Caltrans's right of way (ROW) presently does not reflect the IOD and that SDSU should provide Caltrans with the appropriate documentation to verify the dedications. Caltrans provides a parcel map and ROW map.

In response, CSU/SDSU will coordinate with Caltrans as needed regarding right-of-way documentation related to the right-turn lane already constructed.

The comment further refers to the Traffic Control Plan to be submitted prior to the commencement of construction activities as part of the encroachment permit application. See the related comment and response under **Traffic Control Plan and Hauling**, above.

TELEPHONE: (442) 265-1800 FAX: (442) 265-1799



October 5, 2023

150 SOUTH NINTH STREET

EL CENTRO, CA 92243-2850

Amanda Scheidlinger Director of Construction San Diego State University 5500 Campanile Dr. San Diego, CA 92182-1624

Dear Amanda Scheidlinger,

The Imperial County Air Pollution Control District (Air District) thanks you for the opportunity to review and comment on the Notice of Intent (NOI) for the adoption of a Mitigated Negative Declaration (MND) for the San Diego State University (SDSU) Imperial Valley Off-Campus Center – Brawley, Brawley Sciences Building (Project). The project proposes the construction and operation of a 36,900 sqft building for uses including teaching labs, research & research services space, experimental fabrication space, faculty/administrative offices, conference rooms, and mechanical/electrical/telecommunication support space. The project is located at 260 California State Route 78

Air District staff reviews all Air Quality Analyses (AQA) to ensure enforceability and consistency of air analysis methodology to the Imperial County CEQA Air Quality Handbook (Handbook), Air District Rules & Regulations, and Air District guidelines. The Air Quality findings of the Initial Study largely relied on the original 2003 Environmental Impact Report (EIR) for its assessments. Although the proposed Project assessment discloses an explanation of some of the changes within the last 20 years within the Initial Study it remains unclear to the Air District that the analysis utilized the most recent version of the Handbook, originally adopted in 2005. For example, thresholds of significance were adopted to assist in the proper evaluation of both construction and operational emissions, that would identify the project as either a Tier I or Tier II project, this type of assessment was absent in the 2003 EIR.

A tiering structure as adopted requires Tier I or Tier II projects to abide by mitigations identified in section 7 of the Handbook, again this type of analysis is missing from the original 2003 EIR. Overall, the Handbook provides guidance on the development of an AQA that is considered consistent with CEQA. Although the Project assessment used CalEEMod for its analysis, the output files indicate that changes to defaults in the analysis are not consistent with Air District Guidelines. Any changes to CalEEMod defaults MUST be approved by the Air District then followed with a complete explanation of the change and enforceable commitment that allows for the change. This type of piece-meal assessment is not consistent with current Air District guidelines or CEQA.

In the 20-year period since the original EIR was developed there have been many changes which are not accurately assessed: changes to the surrounding area such as a new highway bypass and updates to rules, regulations, and requirements not only at the local Air District level, but also at the federal and state level.

NOI-ND SDSU Imperial Valley Off-Campus Center - Brawley

Page 1 of 2

SUBJECT: Notice of Intent to adopt a Mitigated Negative Declaration for San Diego State University Imperial Valley Off-Campus Center – Brawley, Brawley Sciences Building

The project must comply with all Air District rules and regulations, the Air District would emphasize some examples of developed rules not properly assessed in the Initial Study for the Project: Boiler Rules 400.2 & 400.5 which would identify whether the Project would be subject to Air District permitting requirements. The Air District also emphasizes Regulation VIII and Rule 207. Regulation VIII – Fugitive Dust Rules is a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. The project includes a generator, which may require an Air District permit; Rule 207 – New and Modified Stationary Source Review will require the applicant submit a Permit Application for review prior to installation of said generator.

The AQA Greenhouse Gas (GHG) portion of the analysis uses the South Coast Air Quality Management District's (AQMD) thresholds of significance. It is unfortunate that the Air District was not consulted prior to the development of the Initial Study. Any quantitative analysis should have compared to an area that is similar in topography and development, the Mojave Desert Air Quality Management District. Any quantitative analysis that compares to the AQMD would necessarily be less than significant, thus the analysis provided is deemed inconsistent with the Air District's guidance. The Air District recommends a qualitative analysis that compares and discusses the Project to the adopted Climate Action Plan by the California Air Resources Board (CARB). The qualitative discussion would explain whether or not the Project fits into the adopted Climate Action Plan goals, purpose and/or outcomes.

Given the inconsistencies found in the Initial Study and the CalEEMod analysis, the Air District is requesting the following to help the project advance in its development:

- 1) The Project must abide by the Standard & Discretionary Mitigation Measures for Fugitive PM10 Control found within Section 7 of the Handbook.
- 2) To assure compliance the Project must submit a "Construction" Dust Control Plan to the Air District prior to any earthmoving activity.
- 3) To assure that all construction equipment exhaust will not cause or contribute to a violation of any Ambient Air Quality Standard, the Project must submit a monthly construction equipment list, by make, model, horsepower, and actual hours of operation.
- 4) The Project must reach out to the Air District to commence discussion of the applicant's use of equipment that may trigger a Permit review during the operational phase of the Project. Equipment such as generators and/or any possible boilers greater than 75,000 BTUs.

For your convenience, the Air District's rules and regulations are available via the web at <u>https://apcd.imperialcounty.org/rules-and-regulations/</u>. For questions or concerns and to set up a meeting please call (442) 265-1800.

Respectfully,

Ismael Garcia Environmental Coordinator II

Revied by Monica N. Soucier APC Division Manager

Brawley Sciences Building Project

PCAPCD Responses to Comments

Imperial County Air Pollution Control District, Letter dated October 5, 2023

Comment Regarding Use of the Original 2003 EIR (paragraph 2)

The comment states that given reliance on the original 2003 EIR, it is unclear if the air quality analysis utilized the most recent version of the Imperial County CEQA Air Quality Handbook (CEQA Handbook). Specifically, the commenter indicates that thresholds of significance for construction and operation and identification of the project as either Tier I or Tier II was absent in the original 2003 EIR.

In response, the certified 2003 EIR adequately analyzed the potential air quality impacts associated with development of a Campus Master Plan with an enrollment of 850 full-time equivalent (FTE) students. Because the proposed project would not result in an increase in student enrollment above the approved enrollment number, CEQA does not require that operational emissions related to mobile sources be included in the project-level analysis. However, the particular, project-specific air quality impacts associated with construction and operation of the proposed project were evaluated and determined to be less than significant in the Initial Study, as informed by project-level construction and operational emissions estimates for relevant emission source categories. (See, e.g., Initial Study Appendix B, pp. 3-4, 8-12.)

Section 4.1.1, *Thresholds of Significance*, of the Air Quality, Greenhouse Gas Emissions, and Energy Technical Memorandum (Technical Memorandum) prepared for the proposed project discloses that the 2017 Imperial County Air Pollution Control District (ICAPCD) CEQA Handbook was referenced for purposes of determining the significance of the proposed project's air quality impacts, including the level of environmental analysis required, based on total anticipated emissions from project operations (i.e., Tier I vs. Tier II thresholds). (The Technical Memorandum is located in Appendix B of the Initial Study.) The ICAPCD's thresholds are set forth in Table 1, ICAPCD Air Quality Significance Thresholds, of Initial Study Appendix B. (See Initial Study Appendix B, p. 5.)

Comment Regarding Changes to CalEEMod Default Assumptions (paragraph 3)

The comment states that changes to CalEEMod default assumptions used for the analysis are not consistent with "Air District Guidelines" and that any changes to CalEEMod defaults must be approved by the ICAPCD and followed with a complete explanation of changes.

Per the 2017 ICAPCD CEQA Handbook, which was referenced and used as guidance for the proposed project's analysis, "User-specific inputs to the model include project type, year, season, trip speed and other parameters. The default values should be used when no other project specific information is available. If different values are used, justification and documentation for the inputs should be provided on the appropriate document."

Consistent with the ICACPD's CEQA Handbook guidance above, and standard industry practice amongst CEQA air quality practitioners, project-specific information was used as available, and default values were used when project-specific information was not known. Additionally, per the CEQA Handbook guidance, all changes to CalEEMod default assumptions were justified and documented within the Technical

Memorandum and/or Attachment B, *Air Quality and Greenhouse Gas Emissions CalEEMod Output Files*. As no specific comments are offered regarding any non-default, project-specific inputs used in CalEEMod, no further response can be provided.

Comment Regarding Changes to the Surrounding Project Site (paragraph 4)

The comment indicates that there have been many changes since the adoption of the original 2003 EIR which are not accurately assessed, including a new highway bypass in the surrounding area, updates to rules and regulations, and requirements at the local, federal, and state level.

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and air districts develop and implement plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. The analysis, therefore, evaluates project-generated air quality impacts per current guidance set forth in the ICAPCD's 2017 Handbook and takes into account relevant rules, regulations, and requirements, many of which are captured by the CalEEMod emissions estimation platform.

Comment Regarding Compliance with Air District Rules and Regulations (paragraph 5)

The comment notes that the proposed project must comply with all ICAPCD rules and regulations, and claims that some rules were not properly assessed in the IS/MND analysis for the proposed project, including Boiler Rules 400.2 & 400.5, Regulation VIII, and Rule 207.

In response, the proposed project would comply with all applicable ICAPCD rules and regulations during construction and operation in accordance with CSU/SDSU's legally-required regulatory compliance obligations. Per preliminary project details, it is noted that no natural gas is expected on-site. This design attribute of the proposed project would suggest that Rule 400.5 (Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters) is not applicable; the same conclusion likely applies to Rule 400.2 (Boilers, Process Heaters and Steam Generators). The dust control measures contained in Regulation VIII of the ICAPCD's Rules and Regulations are explicitly outlined in Section 4.1.1, *Thresholds of Significance*, and would help to reduce project-generated fugitive dust emissions. (See Initial Study Appendix B, p. 6.) Additionally, the proposed project will submit all required permit applications related to Rule 207, as applicable. (For example, the proposed project's on-site emergency generator may be subject to Rule 207.)

Comment Regarding GHG Thresholds of Significance (paragraph 6)

The comment acknowledges that the South Coast Air Quality Management District (SCAQMD) threshold of significance (i.e., 3,000 MT CO₂e per year for non-industrial projects) was used for the GHG analysis and suggests that the quantitative analysis should have compared to an area with similar topography and development, such as the Mojave Desert Air Quality Management District (MDAQMD). The comment also recommends inclusion of a qualitative analysis to compare the project to "the adopted Climate Action Plan by the California Air Resources Board (CARB)."

Greenhouse gas (GHG) emissions impacts are inherently cumulative and evaluated at the project-level for the incremental contribution to global climate change in combination with the cumulative increase of all

other sources of GHGs. As such, and as distinguished from the subject area of air quality, local topographical conditions are not relevant to the development or adoption of appropriate GHG significance thresholds. (See, e.g., *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 219-220, italics original ["[T]he global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local. For many air pollutants, the significance of their environmental impact may depend greatly on *where* there are emitted; for greenhouse gases, it does not."].)

Further, given that the MDAQMD GHG threshold (100,00 tons CO₂e/year) is over 30 times higher than the SCAQMD threshold, the GHG analysis provided for the proposed project is considered conservative by comparison. Additionally, total project GHG emissions were estimated to be 249 MTCO₂e per year, so would be below both SCAQMD and MDAQMD thresholds and the final significance determination would be the same.¹

To our knowledge, CARB does not have an adopted Climate Action Plan relevant to the proposed project. Per Assembly Bill 32, CARB is required to develop the Scoping Plan, which provides the framework for actions to achieve the state's GHG emission targets. As an applicable plan adopted for the purpose of reducing emissions of GHGs, the 2022 CARB Scoping Plan was included in the CEQA analysis. (See Initial Study Appendix B, pp. 24-25.) The proposed project's potential to conflict with the CARB Scoping Plan was qualitatively evaluated and found to be less than significant.

Comment Regarding Air District Requests (paragraph 7)

The comment suggests that there are inconsistencies in the Initial Study and CalEEMod analysis, and requests that the project provide several additional items to advance development. These additional items include: (1) Standard & Discretionary Mitigation Measures for Fugitive PM_{10} Control found within Section 7 of the Handbook; (2) submission of a Construction Dust Control Plan to the Air District prior to earthmoving activities; (3) submission of a monthly construction equipment list, by make, model, horsepower, and actual hours of operation; and (4) discussion with the Air District about the applicant's use of equipment that may trigger a Permit review during the operational phase of the project (e.g., generators, boilers greater than 75,000 BTUs).

As shown in Table 3, *Estimated Maximum Daily Construction Criteria Air Pollutant Emissions*, of the Technical Memorandum, project-generated construction emissions would not exceed the ICAPCD threshold of significance for any criteria air pollutant. (See Initial Study Appendix B, p. 10.) As such, construction impacts associated with criteria air pollutant emissions would be less than significant, and no mitigation is required. Given that there is no exceedance of the fugitive PM₁₀ threshold, inclusion of the mitigation measures from Section 7 of the CEQA Handbook are not warranted. Likewise, there is no exceedance related to equipment exhaust that would cause or contribute to a violation of an AAQS, so mitigation requiring monthly construction equipment lists is not required.

¹ It also is noted that other CEQA documents processed within the ICAPCD's jurisdictional area have utilized the 3,000 MT CO₂e per year threshold for non-industrial projects developed via SCAQMD's CEQA threshold working group process. See, e.g., Glamis Specific Plan Draft EIR (SCH No. 2020100348) (January 2023), page 5.7-11; Mid-Canal Storage Project Draft Initial Study / Mitigated Negative Declaration (December 2022), pages 65-66.

The project will comply with all ICAPCD rules and regulations as applicable, including those related to fugitive dust control, and permit review for new and modified stationary sources.

Revised Initial Study Pages

Draft<u>Final</u> Initial Study San Diego State University Imperial Valley Off-Campus Center - Brawley Brawley Sciences Building Project

AUGUST OCTOBER 2023

Prepared for:

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SOURCE: AERIAL-BING MAPPING SERVICE 2022; CAMPUS MASTER PLAN 2003



FIGURE 2 SDSU Brawley Project Site and Staging Area SDSU Brawley Sciences Building Project

2.4 Project Elements

The proposed project would support continued buildout of the Brawley Center while providing new research, instruction, and administrative space for faculty and students.

2.4.1 Brawley Sciences Building

The proposed project involves the construction and operation of a new 36,900 gross sf educational building that would be 35 feet in height. The facility would include 22,500 assignable sf (ASF) that would house lower and upper division teaching labs, research and research services space, experimental fabrication space for collaborative work with future public and private partners. The proposed project would serve and support the previously approved student enrollment; the proposed project does not include an increase, nor would it result in an increase, in student enrollment above prior approved levels. As summarized further below, the proposed project also would include approximately 100,000 sf of related landscape and hardscape improvements.

The proposed project site is approximately 1.5 acres in size and the construction staging areas would occupy approximately 1-1/4 acres of Brawley Center located southeast of the site and north of SR 78.

Landscaping, Stormwater, and Other Site Improvements

The proposed project would include approximately 61,200 sf of on-site landscaping, including bio-retention areas to capture stormwater runoff from stormwater drainage systems that would be located throughout the project site. Hardscape improvements would include approximately 41,300 sf of sidewalks and pedestrian walkways that would connect the project site to existing buildings and parking lot.

Utilities and Public Services

The proposed project would require new points of connection to domestic water, fire water, and sewer lines from existing utility lines to serve the new building, as well as a new domestic water line.

Water

Potable water is provided to the project site by the City of Brawley Department of Public Works through an agreement with the Brawley Center. The building would require a new 3-inch domestic water line. New water infrastructure would connect to existing infrastructure in coordination with the City. The proposed project's water demand would be approximately 74,400 gallons of water per day (83.3 acre-feet per year [AFY]).

Wastewater

Sewer and wastewater collection services at the project site would be provided by the City. Based on forecast water demand, the proposed project's wastewater generation is estimated to be approximately 0.07 million gallons per day of wastewater.

Electrical and Natural Gas Service

Electrical services within the project area are provided by Imperial Irrigation District (IID). IID provides electric power to over 158,000 customers in the Imperial Valley in addition to areas of Riverside and San Diego counties (IID 2023). New utility connections and infrastructure would be required to support electrical services within the new building, which would be served by IID. Implementation of the project would include a diesel operated back-up generator as well as 54 kilowatts (kW) of on-site solar. Natural gas would be used for proposed laboratory functions.

Access, Circulation, and Parking

Access to the project site would be provided via SR 78 and parking would be available in the existing Brawley Center parking lot located north of SR 78. As part of project construction, new pedestrian access/walkways would be incorporated to connect the project site to existing uses, including the existing building (Building 101 in Figure 2) as well as the parking lot.

On-site circulation improvements would consist of additional paved pathway/pedestrian walkway features. As previously described, the project would include approximately 41,300 sf of new hardscaped area.

2.4.2 Design Standards and Energy Efficiency

In May 2014, the CSU Board of Trustees broadened the application of sustainable practices to all areas of the university by updating the systemwide Sustainability Policy, which applies sustainable principles across all areas of university operations, expanding beyond facilities operations and utility management. This expansion was both a reaction to and a catalyst for a changing sustainability landscape within the CSU and higher education in general. The 2014 Sustainability Policy seeks to integrate sustainability into all facets of the CSU, including academics, facilities operations, the built environment, and student life (CSU 2018). Relatedly, the state has also strengthened energy efficiency requirements in the California Green Building Standards Code (CALGreen; Title 24 of the California Code of Regulations).

In response, all CSU new construction, remodeling, renovation, and repair projects, including the proposed project, will be designed with consideration of optimum energy utilization, low lifecycle operating costs, and compliance with all applicable energy codes and regulations. Progress submittals during design are monitored for individual envelope, indoor lighting, and mechanical system performances. The CSU Mechanical Review Board, established in February 2004, considers proposed building designs for conformance with code and energy efficiency practices (CSU 2018/2019).

Lighting sources anticipated to be installed on the project site to support the sciences building would be similar to those installed at the existing Brawley Center. For example, sidewalk and walkway lighting consisting of low post or standard pole lighting is anticipated to be installed, as is wall-mounted ("wall pack") fixtures on the exterior of the future sciences building. Overhead lighting in common areas (i.e., pathways, near building entrance) may also be installed. Consistent with existing uses at the Brawley Center, new lighting sources would be of appropriate intensity for the intended use (e.g., safety, security, and/or general illumination for pedestrians), and would generally be hooded and directed downward to minimize potential for skyglow, glare, and/or light trespass to off-campus areas. In addition, all exterior lighting sources installed on the project site would be compliant with California Energy Code allowances for lighting power and lighting control requirements and with Title 24, Part 6, the CALGreen requirements related to light pollution reduction. For example, Title 24, Part 6, Section 130 outlines mandatory

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requirements for lighting systems and equipment for nonresidential occupancies. These include but are not limited to wattage requirements, lighting controls, and light shielding/glare requirements in accordance with American National Standards Institute/Illuminating Engineering Society (ANSI/IES) standards.

2.4.3 Construction Activities and Phasing

The proposed project is anticipated to be developed over approximately 19 months, with construction estimated to begin in January 2024 and end in August 2025. As a result, the project would be operational by 2025. Construction and equipment staging would require 1-1/4 acre sf of space within the Brawley Center, directly east of the existing building (Building 101) and parking lot.

The project would involve site preparation, grading, and excavation associated with project construction. Excavation depths are anticipated to be 2 to 5 feet. Waste (i.e., excavated gravel/soil) generated during project construction would be balanced within the site.

Consistent with standard construction and local practice, CSU/SDSU will restrict use of construction-related equipment to daylight hours and will restrict the use of generators except for temporary use in emergencies. Power to the construction site may be provided by solar photovoltaic systems, cogeneration systems, small micro-hydroelectric systems, or small wind turbine systems, as feasible. SDSU will ensure use of noise suppression devices such as mufflers or enclosures for generators to the greatest extent practicable.

2.5 Intended Uses/Project Actions and Approvals

2.5.1 Intended Uses

This CEQA document analyzes the proposed project at a detailed, project level of review. The document examines all phases of development and operation of the proposed project. It will be used by the CSU Board of Trustees to evaluate the potential environmental impacts associated with implementation of the proposed project. Additionally, this document could be relied upon by responsible agencies, if any, with permitting or approval authority over any project-specific action to be implemented in connection with the project.

SDSU is an entity of the CSU System, which is an authorized institution of the State of California. As a state entity, the CSU System is not subject to local government planning and land use plans, policies, or regulations. In the interest of transparency and coordination, SDSU may consider local plans and policies for areas which surround campus locations, as appropriate.

2.5.2 Requested Project Approvals

The following approvals by the CSU Board of Trustees are required prior to implementation of the proposed project:

- 1. Certification of adequacy and completeness of the CEQA document;
- 2. Approval of minor amendment to 2003 Brawley Center Master Plan; and
- 3. Other approvals, if any, as necessary.

3.4 Biological Resources

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV.	BIOLOGICAL RESOURCES – Would the project:				
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 U.S. Fish and Wildlife Service?				
C)	Have a substantial adverse effect on state or federally protected wetlands (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?				

a) Would the project 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?

Potential impacts of the Brawley Center Master Plan related to species listed as candidate, sensitive, or special status were evaluated in Section 3.4, Biological Resources, of the certified 2003 EIR. The MMRP adopted in conjunction with the EIR includes a mitigation measure that requires implementation of mitigation

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protocols for the burrowing owl (*Athene cunicularia*), a migratory bird protected under the MBTA (SDSU 2003, MMRP, p. 11-2). The mitigation includes prescriptions for relocation prior to construction and subsequent monitoring activities. The EIR concluded impacts would be less than significant with mitigation.

Based on the current analysis, the study area contains trees, shrubs, and bare ground that would potentially be used by migratory birds for breeding. Direct impacts to migratory nesting birds must be avoided to comply with the MBTA and California Fish and Game Code. Indirect impacts to nesting birds from short-term, construction-related noise could result in decreased reproductive success or abandonment of an area as nesting habitat if construction were conducted during the breeding/nesting season (i.e., <u>February</u> January through <u>September August</u>). In general, due to the developed and disturbed conditions of the site and surrounding areas (e.g., no natural habitat areas or preserves), the potential for biological resources to occur is low, and thus, the potential for species to be significantly impacted by construction-related noise is low. <u>However Therefore</u>, direct and indirect impacts to nesting birds would be significant absent mitigation. Implementation of recommended mitigation measure **BIO-1** (see below) would ensure that nesting birds would not be impacted by project construction activities during nesting season. As such, impacts to nesting birds would be **less than significant with mitigation incorporated**.

In addition, burrowing owl is a Species of Special Concern and has a moderate potential to occur in the study area. As such, project implementation could result in direct impacts on burrowing owl in the form of habitat destruction and potential death, injury, or harassment of nesting birds, their eggs, and their young. Injury or mortality occurs most frequently during the vegetation clearing stage of construction and affects eggs, nestlings, and recently fledged young that cannot safely avoid equipment. Indirect impacts to burrowing owl include vibration, excess noise, chemical pollution, fugitive dust, and increased human presence. Direct and indirect impacts to burrowing owl specific to construction of the proposed project therefore would be potentially significant, absent additional mitigation beyond the general mitigation previously adopted as part of the 2003 EIR. However, these impacts would be avoided and minimized through implementation of recommended mitigation measure BIO-2 (see below). This mitigation measure requires pre-construction surveys, establishment of exclusion buffers around occupied burrows or burrow complexes (buffer width is dependent upon breeding versus non-breeding season), and burrowing-owl-specific monitoring throughout construction to ensure full avoidance of owls. Should it be determined that full avoidance of occupied burrowing owl burrows or burrow complexes is not possible, mitigation measure **BIO-2** requires preparation of a Burrowing Owl Relocation and Mitigation Plan that would include methods for passive relocation; description of surrounding suitable habitat conditions; monitoring and management requirements for replacement burrow sites in coordination with CDFW (in accordance with CDFG 2012); reporting requirements; and compensatory mitigation, if required by CDFW. With implementation of mitigation measure BIO-2, impacts to burrowing owl would be less than significant with mitigation incorporated. The nesting and foraging habitat onsite and in the surrounding area includes highly variable habitat due to the actively managed agricultural areas (disked, irrigated, pesticide application, etc.) and is generally of low quality. Additionally, any impacts to potentially occupied habitat would be small (the agricultural area is approximately 1.57 acres). Therefore, impacts to potential habitat are less than significant and do not require mitigation.

As described in Section 3.1, Aesthetics, new lighting sources would be of appropriate intensity for the intended use (e.g., safety, security, and/or general illumination for pedestrians), and would generally be hooded and directed downward to minimize potential for skyglow, glare, and/or light trespass to off-campus area. Because lighting installed on the project site would be of a similar distribution and intensity of existing sources at the Brawley Center, and because lighting sources would be hooded, directed downward, and compliant with

applicable standards (i.e., Title 24, ANSI/IES) for lighting control and light pollution reduction, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Potential indirect impacts to biological resources from lighting would be less than significant, and no additional mitigation is required.

BIO-1: Pre-Construction Nesting Bird Survey. If ground disturbance and/or vegetation clearance activities are scheduled to occur during the avian nesting season (February 15 to September August-30), SDSU, or its designee, shall retain a biologist to conduct a preconstruction nesting bird survey within the area to be disturbed and a 500-foot buffer. Surveys should be conducted within 3 days prior to initiation of activity between dawn and noon.

If construction begins outside the nesting bird season (i.e., between <u>October 1</u> August 31 and <u>January 31</u> February 14), work may proceed without a nesting bird survey. If construction begins outside the nesting season, but crosses into the nesting season (i.e., start in January but work until March), construction activities may proceed without a nesting bird survey. However, anytime construction must pause for more than 72 hours during the nesting season, an updated nesting bird survey should be conducted prior to the resumption of construction activities.

If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a biologist retained by SDSU. The buffer should be of sufficient distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the biologist until nestlings have fledged and dispersed, or it is confirmed that the nest has been unsuccessful or abandoned. <u>Noise levels will be monitored at active nests of special-status bird species to ensure noise levels do not exceed 55-60 dBA range (or the existing ambient noise levels).</u>

BIO-2: Burrowing Owl <u>Surveys</u> Avoidance and Relocation. Prior to the initiation of construction activities, SDSU, or its designee, shall retain a biologist to conduct a pre-construction survey for burrowing owl to determine the presence/absence of the species. SDSU shall submit at least one burrowing owl pre-construction survey report to the satisfaction of CDFW to document compliance with this mitigation measure. For the purposes of this mitigation measure, "qualified biologist" is a biologist who meets the requirements set forth in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012).

The survey shall be conducted within <u>14</u> 30 days <u>prior to the start of project-related</u> <u>construction activities and within 24 hours prior to ground disturbance, in accordance with</u> <u>the Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</u> of <u>site</u> <u>disturbance in accordance with the most current and applicable CDFW protocol</u>. If burrowing owls are not detected during the survey, no additional surveys or mitigation is required. Preconstruction surveys shall observe suitable burrowing owl habitat within the Project footprint and within 500 feet of the Project footprint (or within an appropriate buffer

as required in the most recent guidelines and where legal access to conduct the survey exists).

Nesting Season Observation

If burrowing owl is located during the survey, occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a biologist approved by CDFW verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or that juveniles from the occupied burrows are foraging independently and capable of independent survival. If occupied burrows are present during the nesting season, construction activities may commence, or resume as applicable, after non-disturbance buffers are implemented by a biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrows are present, the biologist shall be contracted to perform monitoring during all construction activities approximately every other day. However, the definitive frequency and duration of monitoring shall be dependent on whether it is the breeding versus non-breeding season and the efficacy of the disturbance buffers, as determined by the biologist and in coordination with CDFW.

Non-Breeding/Non-Nesting Observation

If burrowing owl is detected during the non-breeding/non-nesting season (September 1 through January 31) or if confirmed to not be nesting, a non-disturbance buffer between the project activities and the occupied burrow shall be installed by a qualified biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). However, under these circumstances, monitoring by the biologist is not required.

Avoidance Not Possible through Non-Disturbance Buffers

If avoidance is not possible through the installation of non-disturbance buffers, SDSU, or its designee, shall prepare a Burrowing Owl Relocation and Mitigation Plan for submittal and approval by CDFW. Once approved, the Plan shall be implemented to relocate burrowing owls from the project site. <u>The Plan shall describe proposed avoidance</u>, monitoring, relocation, minimization, and/or mitigation actions. The Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details of proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take.

b) Would the project 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 U.S. Fish and Wildlife Service?

The 2003 IS prepared for the Brawley Center Master Plan EIR determined that no impact related to adverse effects on riparian habitat or other sensitive natural communities would occur.

The study area does not contain riparian vegetation communities or any vegetation communities identified as sensitive according to CDFW. As a result, **no impacts** to sensitive communities are expected to occur.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The IS prepared for the Brawley Center Master Plan 2003 EIR determined that no impact related to adverse effects on wetlands would occur.

The project site does not contain wetland waters of the United States or state. The study area contains <u>two</u> <u>ditches constructed in uplands purely for the function of irrigating individual fields or draining onsite runoff</u> and do not serve as critical conveyance pathways for regional irrigation like ditches and/or canals that convey water throughout most of the year. They are also void of vegetation, lack a natural bed and bank, lack evidence of hydrology indicators and therefore would not support habitat for fish or wildlife species potential non-wetland waters of the United States and non-wetland waters of the state; however, all features are located outside the project footprint, near the perimeter of the Brawley Center site, and direct impacts would be avoided. While there are no wetlands on site, <u>L</u>indirect short-term impacts to <u>these</u> <u>ditches</u> jurisdictional waters include changes to hydrology, erosion, chemical pollution, and fugitive dust, and substantial long-term impacts include hydrology alterations and chemical pollution. Indirect impacts to <u>these ditches could affect the water quality onsite and</u> jurisdictional waters would be significant without mitigation. Mitigation measure **BIO-3** requires that the work limits be appropriately flagged and that equipment and spoil sites be placed in uplands within the proposed development area. Implementation of mitigation measure **BIO-3** would reduce potential indirect impacts to <u>water quality</u> jurisdictional waters outside of the project footprint to a **less than significant level with mitigation incorporated**.

- BIO-3: General Avoidance and Minimization Measures. SDSU, or its designee, shall implement the following measures during project construction activities to avoid indirect impacts to <u>ditches</u> aquatic resources:
 - Construction limits should be clearly flagged so that adjacent native vegetation is avoided.
 - Construction work and operations and maintenance areas should be kept clean of debris, such as trash and construction materials. Fully covered trash receptacles that are animal-proof should be installed and used during construction to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles should be removed from the work area at least once a week.
 - Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents should be located within the designated impact area or adjacent developed areas.

 Best management practices (BMPs) should be implemented to ensure water quality in existing <u>ditches drainages</u> would not be affected during project activities.

d) Would the project 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?

The IS prepared for the Brawley Center Master Plan 2003 EIR determined that no impact related to wildlife movement or migration would occur.

The project site is largely surrounded by agricultural fields under cultivation and is not located within an area that functions as a wildlife movement or migration corridor. As such, the proposed project would not constrain natural wildlife movement in its vicinity and **no impact** would occur.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The IS prepared for the Brawley Center Master Plan 2003 EIR determined that no impact related to conflicts with local biological resources policies or ordinances would occur.

As proposed, the project would not conflict with any local policies or ordinances protecting biological resources. Therefore, **no impact** would occur to any biological resources protected by a local ordinance.

f) Would the project 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 IS prepared for the Brawley Center Master Plan 2003 EIR determined that no impact related to conflicts with local biological resources policies or ordinances would occur.

There are no habitat conservation or natural community plans that have been implemented for the project area. IID developed a planning agreement in 2006 for a regional HCP; however, that plan is still in development and has not been implemented (CDFG 2006). As such, the project would not conflict with any applicable plans and **no impact** would occur.

3.17 Transportation

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI	I. TRANSPORTATION – Would the project:				
a)	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			\boxtimes	
b)	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			\boxtimes	
C)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
d)	Result in inadequate emergency access?			\boxtimes	

The analysis presented below addresses the potential project-specific transportation related impacts associated with construction and development of the proposed sciences building. The previously certified EIR analyzed the potential traffic impacts associated with development of the current approved Brawley Center Master Plan at a program level of review. As previously noted, that analysis considered the potential impacts associated with a student enrollment of 850 FTE students. Because the proposed project would not increase student enrollment beyond the number analyzed in the 2003 EIR and related technical report, no further analyses of vehicle trips that would be generated by the student body or faculty/staff is necessary or required.

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed project would be constructed and developed substantially consistent with the previously approved 2003 Brawley Center Master Plan, which is the governing document regulating development at Brawley Center. The project would be built generally on the site of Building 102, as designated on the approved Brawley Center Master Plan. The proposed project does not include any improvements to the circulation system, including transit, roadway, bicycle, or pedestrian facilities, outside the Brawley Center boundaries. Any transportation-related improvements constructed as part of the proposed project would be constructed on site and would be consistent with the Brawley Center Master Plan and any applicable CSU policies. Accordingly, impacts related to this criterion would be **less than significant**.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

CEQA Guidelines Section 15064.3(b) provides the criteria for analyzing transportation impacts based on a VMT metric. Generally, the section provides that VMT exceeding an applicable threshold of significance may indicate a significant impact requiring mitigation. Projects that decrease VMT in the project area compared to existing conditions are presumed to have a less than significant transportation impact. Additionally, if existing models or methods are not available to estimate the VMT for a particular project, a lead agency may analyze the project's VMT qualitatively, taking into account such factors as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT.

Construction Traffic

In terms of construction traffic, construction of the proposed project would entail 7,500 CY of fill that would be cut at the Brawley Center and then reused on the project site. Because the cut and fill process would be balanced on site, there would be no import or export related vehicle trips and no VMT generated in connection with this process. As to vehicle trips generated by material deliveries, worker trips, etc., based on the relatively small building to be constructed (approximately 37,000 sf), it was determined that construction-related trips would generate a nominal amount of vehicle trips and associated VMT. Moreover, VMT associated with heavy-duty truck trips (as opposed to light-duty and passenger vehicle trips) is not to be considered as part of the CEQA VMT analysis as the CEQA Guidelines specifically exempted these type trips and related miles traveled from analysis. For these reasons, impacts related to construction-related vehicle trips would be **less than significant**.

Operational Traffic

As to those vehicle trips that would be generated in connection with operation of the sciences building, as previously explained, vehicle trips associated with a student enrollment of 850 FTE were previously analyzed as part of the 2003 certified EIR, with appropriate mitigation recommended and implemented. As the proposed project would not increase, or result in an increase above, the previously approved enrollment, there would be no additional vehicle trips associated with the operation of the Project; therefore, no further analysis under CEQA is required.

VMT calculations consider trip length as well as trip generation. The presence of the SDSU center in Brawley allows college students who live in Brawley or elsewhere in Imperial County to drive a shorter distance to school than if they attended another university. For instance, a student living in downtown Brawley would need to drive 6 miles one-way to the Brawley Center. However, in the absence of the Brawley Center and related higher education opportunities, if that same student were to attend, for example, SDSU or UC Riverside, the student would need to travel a much greater distance, thereby generating substantially more VMT.

For comparative purposes, the distances to other comparable campuses are provided below:

Brawley to SDSU 120 miles

	Brawley to LIC Riverside	160 miles
-	Diawiey to be Riverside	TOO IIIIIES

Brawley to CSU San Bernardino
 150 miles

Due to the far greater distances to travel to other universities, it is reasonable to conclude that the proposed project would result in reduced trip lengths and therefore reduced VMT, compared to students traveling to other campuses.

Thus, the availability of the sciences facility is analogous to opening a neighborhood Starbucks or other local serving retail establishment. Such establishments are presumed under VMT analyses to shorten trips and reduce areawide VMT because their patrons no longer need to travel to more distant locations (See, Office of Planning and Research (OPR) <u>Technical Advisory</u> (December 2018), p. 16; and Caltrans <u>Transportation Impact Study Guide</u> (May 20, 2020, page 11 [local-serving projects would have a less than significant VMT impact].) Based on the OPR and Caltrans guidelines, projects that reduce trip lengths would have a positive effect on VMT. For the same reasons, the proposed project would have an overall positive effect (i.e., reduction) on VMT. Therefore, the proposed project would result in a **less than significant** VMT impact.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would not increase transportation/geometric hazards, because all project traffic would use the existing access driveway, which is built to California Department of Transportation (Caltrans) standards. Any internal roads that would be built as part of the project would be designed to applicable standards and as such would not include sharp curves or dangerous intersections. Additionally, the project does not include incompatible uses that would require the use of corresponding equipment incompatible with existing vehicular traffic, such as farm equipment. For these reasons, impacts related to hazards would be **less than significant**.

d) Would the project result in inadequate emergency access?

Under the proposed project, emergency access would be provided, as it currently is, via the Brawley Center access point to SR 78. Because this access is built to Caltrans standards and the proposed project would not alter the existing access, adequate emergency access would be maintained. As such, impacts related to emergency access would be **less than significant**.

Revised Initial Study Appendices Pages

MEMORANDUM

То:	Michael Haberkorn, Gatzke Dillon & Ballance
From:	Callie Amoaku, Zarina Pringle, Dudek
Subject:	SDSU Brawley Sciences Building – Biological Resources Technical Memo
Date:	August <u>22</u> <u>October 16</u> , 2023
cc:	Sarah Lozano, Alexandra Martini, Dudek
Attachment(s):	A – Figures 1–4
	B – Site Photographs
	C – Vascular Plant Species Compendium
	D – Wildlife Species Compendium
	E – Special-Status Plant Species Potential to Occur
	F – Special-Status Wildlife Species Potential to Occur

Dudek has conducted an evaluation pursuant to the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code 21000, et seq., to determine the presence and potential impacts related to biological resources associated with the proposed California State University/San Diego State University (CSU/SDSU) Imperial Valley Campus Brawley Sciences Building Project (project or proposed project), located east of Brawley, California. This technical memorandum provides the results of the biological resources investigation.

1 Project Location and Setting

The project is located at 560 California State Route (SR) 78 (also referred to as Ben Hulse Highway) in Imperial County, east of the city of Brawley (see Figure 1, Regional/Campus Location). Regional access to the campus is provided by SR 111 and SR 86 to the west and northwest, respectively, and SR 115 to the east. The 1.5-acre project site boundary plus an additional 100-foot survey buffer (study area), totaling 7.5 acres, was assessed in this technical memo. The project is surrounded by agricultural uses to the north, south, and west; undeveloped land and a solar farm are located directly east of the proposed project site. The proposed sciences building would be constructed northeast of existing campus Building 101 and associated parking lot (see Figure 2). Project construction staging areas would be located southeast of the project site and north of SR 78 (see Figure 2).

2 Project Description

In September 2003, CSU certified an environmental impact report and approved a Campus Master Plan for development of the SDSU Brawley Campus (Brawley campus or campus), which would serve as an extension of the existing SDSU Imperial Valley Campus (IVC) located in Imperial County. The IVC is an extension of SDSU's main campus located in San Diego and furthers the university's regional educational mission to provide additional educational opportunities to the outlying communities of Imperial County. The approved Campus Master Plan and certified environmental impact report (EIR) provided sufficient environmental analysis and authorization necessary for enrollment of up to 850 full-time equivalent (FTE) students and corresponding faculty and staff, and a framework for development of the facilities necessary to serve the approved campus enrollment.

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The Brawley campus is approximately 200 acres in size and is located east of the city of Brawley (city). Currently, the campus has been partially built out with educational and support facilities, although much of the campus remains undeveloped or used for active agriculture. As noted above, the environmental impacts associated with development of the Brawley campus, including a student enrollment up to 850 FTE, were evaluated at a program level of review in the previously certified 2003 SDSU Imperial Valley Campus Master Plan Project EIR (2003 EIR) (SCH 200251010). In CSU's effort to build out the IVC consistent with the previously approved Campus Master Plan, SDSU now proposes construction and operation of a sciences building that would be located on the Brawley campus.

The proposed project involves the construction and operation of a STEM building (science, technology, engineering, and mathematics) that would house teaching labs, lecture spaces, faculty/administration offices, research spaces, and conference rooms, as well as mechanical, electrical, and telecom support spaces. The proposed project does not include/propose any increase in the previously authorized and approved maximum student enrollment of 850 FTE.

The proposed project site is approximately 3.2-acres in size and the construction staging areas would occupy approximately 1-acre in the area of campus located southeast of the site and north of SR 78. The project includes 61,119 sf of on-site landscaping, including the construction of bio-retention areas to capture stormwater runoff from stormwater drainages systems that will be located throughout the project site. Hardscape improvements will include 41,297 sf of sidewalks and pedestrian walkways, which will connect the project site to existing campus buildings and parking lot.

Additionally, the project will require new points of connection to domestic water, fire water, and sewer lines from existing utility lines to serve the new building, as well as new domestic water line infrastructure. Potable water will be provided by the city of Brawley, as well as sewer and wastewater collection services. New utility infrastructure will also be required to support electrical services for the building, as well as a back-up diesel operated generator.

The proposed project building would have an area of 36,900 gross sf and would be approximately 35 feet in height. The project is projected to be built over the course of 19 months, with construction estimated to begin in January 2024. Construction and equipment staging would require 1-acre of space within the campus, directly east of the existing building (Building 101) and parking lot. The project would involve site preparation, grading, and excavation associated with project construction. Excavation depths are anticipated to be 2 to 5 feet. Waste (i.e., excavated gravel/soil) generated during project construction would be balanced within the site.

Lighting sources anticipated to be installed on the project site to support the sciences building would be similar to those installed at the existing Brawley Center. For example, sidewalk and walkway lighting consisting of low post or standard pole lighting is anticipated to be installed, as is wall-mounted ("wall pack") fixtures on the exterior of the future sciences building. Overhead lighting in common areas (i.e., pathways, near building entrance) may also be installed. Consistent with existing uses at the Brawley Center, new lighting sources would be of appropriate intensity for the intended use (e.g., safety, security, and/or general illumination for pedestrians), and would generally be hooded and directed downward to minimize potential for skyglow, glare, and/or light trespass to off-campus areas. In addition, all exterior lighting sources installed on the project site would be compliant with California Energy Code allowances for lighting power and lighting control requirements and with Title 24, Part 6, the CALGreen requirements related to light pollution reduction. For example, Title 24, Part 6, Section 130 outlines mandatory requirements for lighting systems and equipment for nonresidential occupancies. These include but are not limited

to wattage requirements, lighting controls, and light shielding/glare requirements in accordance with American National Standards Institute/Illuminating Engineering Society (ANSI/IES) standards.

3 Analysis Methodology

The analysis presented here considers the potential environmental impacts of the proposed project relative to existing conditions. Establishment of the project site's existing biological resource conditions has been prepared using information contained in the previously certified 2003 SDSU Imperial Valley Campus Master Plan EIR (SDSU 2003), in addition to the following methods, described below.

3.1 Literature Review

For this biological resources assessment, "special-status" species are those that are (1) listed, proposed for listing, or candidates for listing as threatened or endangered under the federal Endangered Species Act; (2) listed or candidates for listing as threatened or endangered under the California Endangered Species Act; (3) a state fully protected species; (4) a California Department of Fish and Wildlife Species of Special Concern; (5) a United States Fish and Wildlife Service Bird of Conservation Concern; or (6) a species listed on the California Native Plant Society Inventory of Rare and Endangered Plants with a California Rare Plant Rank of 1B or 2B.

Other special-status biological resources considered include sensitive vegetation communities. Sensitive vegetation communities are those communities identified as high priority for inventory in the List of Vegetation Alliances and Associations (CDFW 2023a) by a state rarity rank of S1, S2, or S3.

Special-status biological resources potentially present in the work area were identified through a literature search using the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CDFW 2023b), the California Native Plant Society Rare Plant Inventory (CNPS 2023), and the CDFW Information for Planning and Consultation (IPaC 2023). The National Wetlands Inventory (USFWS 2023b), the National Hydrology Database (USGS 2023), and the NRCS's Web Soil Survey databases (USDA 2023b) were also referenced to determine the presence of potential wetlands or other aquatic features on-site. Searches were completed for the Alamorio USGS 7.5-minute quadrangle, within which the project is located, and the eight surrounding quadrangles.

3.2 Field Reconnaissance

Dudek Biologist, Zarina Pringle, conducted a general biological reconnaissance survey and examined the project site and study area for the presence of potential jurisdictional features on February 16, 2023, from 11am to 4pm (see Attachment B, Site Photographs). The survey was conducted when cloud cover was 20% to 30%, wind was 1-4 miles per hour, and temperatures ranged from 60°F to 66°F. The biological survey was conducted on foot.

All native and naturalized plant species encountered within the survey area were identified and recorded. The potential for special-status plant and wildlife species to occur within the project was evaluated based on the observed vegetation communities, soils present, elevation, and surrounding landscape features. Vegetation communities and land covers were mapped directly in the field. An informal examination of jurisdictional features was conducted to evaluate potential jurisdictional waters regulated under the federal Clean Water Act, California Fish and Game Code, and Porter-Cologne Water Quality Act, and is discussed in the results section of this report.

Latin and common names for plant species with a California Rare Plant Rank follow the California Native Plant Society's Inventory of Rare and Endangered Plants (CNPS 2023). For plant species without a California Rare Plant Rank, Latin names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2023), and common names follow the U.S. Department of Agriculture's Natural Resources Conservation Service Plants Database (USDA 2023a). Vegetation mapping was conducted in accordance with the 2010 CDFG List of Vegetation Alliances and Associations (or Natural Communities List). The list is based on Sawyer et al.'s 2009 Manual of California Vegetation, which is the California expression of the National Vegetation Classification system. Latin and common names of animals follow Crother (2017) for reptiles and amphibians, the American Ornithologists' Union (AOU 2021) for birds, the Mammal Diversity Database (ASM 2021) for mammals, the North American Butterfly Association (NABA 2001) for butterflies, and Moyle (2002) for fish.

Dudek used geographic information system (ArcGIS) software to map biological resources and prepare associated illustrative figures.

3.3 Survey Limitations

Vegetation mapping was conducted during the day and during months of the year when most perennials would have been evident or identifiable.

Notes were taken for incidental wildlife observations made during the survey to establish a general baseline of wildlife diversity within the study area.

The current survey effort provides an accurate representation of the potential for special-status species to occur in the study area. The on-site investigation was thorough and comprehensive, and the results of the study contained herein provide a reasonable, accurate assessment of the study area.

4 Biological Resources

4.1 Existing Conditions

The proposed project site consists of developed land, disturbed habitat, and general agriculture areas. Developed areas are characterized by existing campus structures and parking lot, agriculture infrastructure, storage, irrigation ditches, and a shaded seating area. Disturbed habitat consists of graded areas adjacent to structures and a dirt road in the northern portion of the site. Additionally, a portion of an active agriculture field lies in the northern portion of the project site.

4.2 Soils

The Imperial soil series is the only soil series present within the study area (Figure 3, Soils Map) and is described in detail below.

Imperial soils are found on level to gently sloping flood plains and in old lakebeds at elevations of 235 feet below sea level to 300 feet above mean sea level. These soils formed in calcareous alluvium from mixed sources. The

climate is arid with hot dry summers and cool dry winters. Average annual precipitation is less than 4 inches. Imperial soils are used for irrigated agriculture and unirrigated native desert plants. Irrigated common crops are cotton, sugar beets, barley, annual ryegrass, and where salinity is not too high, alfalfa, sorghums, flax, safflower, and winter vegetables. Vegetation on uncultivated areas consists of sparse growth of saltbush, creosote bush, *Sueda* sp., and *Allenrolfea* sp.; mesquite and *Tamarix* sp. grow where their roots can reach ground water. Imperial silty clay, was mapped within the study area (USDA 2023b).

4.3 Vegetation Communities and Land Covers

The following vegetation communities and land cover types were observed within the study area: disturbed habitat, and urban/developed land, and general agriculture. These were identified and mapped within the study area based on general characteristics. Figure 4, Biological Resources Map, illustrates the distribution of vegetation communities and land covers, and Table 1 provides a summary of each land cover's extent within the study area.

Vegetation Communities and Land Cover Types	Acreage
Disturbed Habitat	3.39
Urban/Developed Land	2.55
General Agriculture	1.57
Total	7.51

Table 1. Vegetation Communities/Land Covers in the Study Area

* Totals may not add due to rounding.

4.3.1 Disturbed Habitat

Disturbed habitats are areas that have been physically disturbed and are no longer recognizable as a native or naturalized vegetation association. These areas may continue to retain soil substrate. If vegetation is present, it is almost entirely composed of non-native vegetation, such as ornamentals or ruderal exotic species. Examples of these areas may include graded landscapes or areas, graded firebreaks, graded construction pads, temporary construction staging areas, off-road-vehicle trails, areas repeatedly cleared for fuel management, or areas that are repeatedly used in ways that prevent revegetation (e.g., parking lots, trails that have persisted for years).

Disturbed habitat occurs throughout the study area, comprising dirt roads and areas adjacent to structures and the paved parking lot. Ruderal vegetation species were observed growing in patches primarily in the eastern portion of the study area during the time of the survey, interspersed among patches of exposed soils. However, the majority of disturbed habitat within the study area consisted of bare soil recently cleared of vegetation.

4.3.2 Urban/Developed Land

Urban/developed land refers to areas that have been constructed on or disturbed so severely that native vegetation is no longer supported. Urban/developed lands includes areas with permanent or semi-permanent structures, pavement or hardscape, landscaped areas, and areas with a large amount of debris or other materials.

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Urban/developed lands within the study area consist of existing SDSU buildings and the paved parking lot in the western portion of the study area, and agriculture related infrastructure, irrigation ditches, and storage in the eastern and northern portions.

4.3.3 General Agriculture

Agricultural lands are an anthropogenic land cover and are not described in CDFW (2023) or CNPS (2023). Within the study area, agricultural lands consist of an active alfalfa field. On-site farming practices include soil plowing, mowing, and regular anthropogenic maintenance and disturbance associated with ongoing management actions.

General agriculture area makes up a large area in the northern portion of the study area.

4.4 Floral Diversity

A total of 9 species of vascular plants (2 natives and 7 non-natives) were recorded within the study area. The low plant diversity reflects the study area's small size and its proximity to surrounding agricultural development. Plant species observed within the study areas are listed in Attachment C, Vascular Plant Species Compendium.

4.5 Wildlife Diversity

A total of 8 bird species were detected within the study area including vermillion flycatcher (*Pyrocephalus rubinus*), savannah sparrow (*Passerculus sandwichensis*), killdeer (*Charadrius vociferus*), and black phoebe (*Sayornis nigricans*). No bird nests were observed within the study area. Two nests which appeared to be inactive were observed in ornamental trees in a parking lot outside of the study area. No reptile, mammal, or amphibian species were observed. Wildlife species observed within the study areas are listed in Attachment D, Wildlife Species Compendium.

4.6 Special-Status Plants

No plant species listed or proposed for listing as rare, threatened, or endangered by either CDFW or the U.S. Fish and Wildlife Service were detected within the study area. The study area is not within any designated federally designated Critical Habitat for any special-status plant species (USFWS 2023a).

Based on the results of the literature review and database searches, 8 special-status plant species have been documented within the region. All of these species were evaluated for potential to occur within the study areas, see Attachment E, Special-Status Plant Species Potential to Occur. Criteria used include soils, current disturbance levels, vegetation communities present, elevation ranges, and previous known locations based on the California Natural Diversity Database (CDFW 2023b), California Native Plant Society (CNPS 2023), and Consortium of California Herbaria (Calflora 2023) records.

There are no federally or state-listed as endangered plant species with potential to occur in the study area. Due to the limited size of the study area, elevation range, and prevalence of disturbed and non-native cover, as well as absence of suitable habitat, all non-listed special status plant species are not expected to occur within the study area.

4.7 Special Status Wildlife

No wildlife species listed or proposed for listing as rare, threatened, or endangered by either CDFW or the U.S. Fish and Wildlife Service were detected within the study area. The study area is not within any federally designated Critical Habitat for any special-status wildlife species (USFWS 2023a).

Based on the results of the literature review and database searches, 18 special-status species have been documented within the region, see Attachment F, Special-Status Wildlife Species Potential to Occur. For each species listed, a determination was made regarding potential use of the study area based on information gathered during the field reconnaissance, known habitat preferences, and knowledge of the species' relative distributions in the area.

Vermillion flycatcher, a Species of Special Concern, was observed on site during the February 2023 biological reconnaissance survey. The mountain plover (*Charadrius montanus*) has a high potential to occur within the study area; the burrowing owl (*Athene cunicularia*) has a moderate potential to occur within the study area. American badger (*Taxidea taxus*) has a low potential to occur within the study area. Due to the limited size of the study area, location in an agriculturally developed setting, prevalence of disturbed and developed areas, and absence of suitable habitat within the study area, all other special-status wildlife species were not expected to occur within the study area.

Besides those species listed or proposed for listing as rare, threatened, or endangered, the study area has the potential to support nesting bird species which are protected under the Migratory Bird Treaty Act.

4.8 Jurisdictional Waters

During the general biological reconnaissance survey conducted in February 2023, two <u>man-made irrigation</u> ditches associated with local agriculture were documented within the study area. <u>These small, dry, unvegetated earthen</u> <u>ditches were constructed in the northern portion of the project area next to the actively cultivated agricultural fields.</u> While possibly connected to larger ditches and/or canals further outside the study area, these features were constructed in uplands circa sometime around 2004 likely for the function of irrigating individual fields or draining on site runoff and do not serve as critical conveyance pathways for regional irrigation like ditches and/or canals that convey water throughout most of the year. These ditches were dry during the site visit and appear to be dry most, if not all, of the time, based on a review of aerial imagery review from 2004 to present. They ditches are also void of vegetation, lack a natural bed and bank, lack evidence of hydrology indicators and, therefore, would not support habitat for fish or wildlife species. These ditches are excavated, upland cut features dug solely for the purpose of draining surrounding lands and/or facilitating irrigation activities; a <u>A</u>s such they would not be federally regulated <u>as waters of the United States or of the state</u> by the USACE<u>. CDFW and RWQCB</u>. These features may be considered waters of the state, under the jurisdiction of the CDFW and RWQCB.

Additionally, no areas potentially supporting vernal pools, ephemeral ponds, or wetlands were observed during the survey.

5 Impact Analysis and Conclusions

5.1 Thresholds of Significance

The thresholds of significance used to evaluate the impacts of the proposed project related to biological resources are based on <u>Section IV Biological Resources of</u> Appendix G of the CEQA Guidelines (Cal. Code Regs., Title 14, Chptr. 3, sections 15000-15387.). A significant impact under CEQA would occur if the proposed project would:

- 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 U.S. Fish and Wildlife Service.
- c) Have a substantial adverse effect on state or federally protected wetlands (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.

5.2 Impact Analysis

a) Would the project 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?

Potential impacts of the Campus Master Plan related to species listed as candidate, sensitive, or special status were evaluated in Section 3.4, Biological Resources, of the certified 2003 EIR. Chapter 11 of the EIR includes a mitigation measure in the MMRP which addresses the need to adhere to recommended mitigation protocols for the burrowing owl (*Athene cunicularia*), a migratory bird protected under the MBTA (page 11-2)¹. The mitigation includes prescriptions for relocation prior to construction and subsequent monitoring activities. The EIR concluded impacts would be less than significant with the mitigation.

^{3.4} Biological Resources Mitigation Measure included on Page 11-2 of the 2003 EIR: (1) The following recommended mitigation protocol, taken from the CDFG Staff Report on Burrowing Owl Mitigation, shall be followed if passive relocation with one-way doors is chosen: "Owls should be excluded from burrows in the immediate impact zone and within a 50-meter (approximately 160 feet) buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to insure owls have left the burrow before excavation. Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be monitored daily for one week to confirm owl use of burrows before excavating burrow in the immediate impact zone. Whenever possible; burrows should be excavated by hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during

Based on the current analysis, the study area contains trees, shrubs, and bare ground that would potentially be used by migratory birds for breeding. Direct impacts to migratory nesting birds must be avoided to comply with the MBTA and California Fish and Game Code. Indirect impacts to nesting birds from short-term, construction-related noise could result in decreased reproductive success or abandonment of an area as nesting habitat if construction were conducted during the breeding/nesting season (i.e., <u>February</u> January through <u>September August</u>). In general, due to the developed and disturbed conditions of the site and surrounding areas (e.g., no natural habitat areas or preserves), the potential for biological resources to occur is low, and thus, the potential for species to be significantly impacted by construction-related noise is low. However Therefore, direct and indirect impacts to nesting birds would be significant absent mitigation. Implementation of recommended mitigation measure BIO-1 (see below) would ensure nesting birds would be **impacted** by project construction activities during nesting season. As such, impacts to nesting birds would be **less than significant**.

In addition, Burrowing owl is a Species of Special Concern and has a moderate potential to occur in the study area. As such, project implementation could result in direct impacts on burrowing owl in the form of habitat destruction, and potential death, injury, or harassment of nesting birds, their eggs, and their young. Injury or mortality occurs most frequently during the vegetation clearing stage of construction and affects eggs, nestlings, and recently fledged young that cannot safely avoid equipment. Indirect impacts to burrowing owl include vibration, excess noise, chemical pollution, fugitive dust, and increased human presence. Direct and indirect impacts to burrowing owl specific to construction of the proposed project therefore would be potentially significant, absent additional mitigation beyond the general mitigation previously adopted as part of the 2003 EIR. However, these impacts would be avoided and minimized through implementation of recommended mitigation measure BIO-2 (see below). This mitigation measure requires pre-construction surveys, establishment of exclusion buffers around occupied burrows or burrow complexes (buffer width is dependent upon breeding versus non-breeding season), and burrowing owl specific monitoring throughout construction to ensure full avoidance of owls. Should it be determined that full avoidance of occupied burrowing owl burrows or burrow complexes is not possible, mitigation measure BIO-2 requires preparation of a Burrowing Owl Relocation and Mitigation Plan that would include methods for passive relocation; description of surrounding suitable habitat conditions; monitoring and management requirements for replacement burrow sites in coordination with CDFW; reporting requirements; and compensatory mitigation, if required by CDFW. With implementation of mitigation measure BIO-2, impacts to burrowing owl would be less than significant. The nesting and foraging habitat onsite and in the surrounding area includes highly variable habitat due to the actively managed agricultural areas (disked, irrigated, pesticide application, etc.) and is generally of low quality. Additionally, any impacts to potentially occupied habitat would be small (the agricultural area is approximately 1.57 acres). Therefore, impacts to potential habitat are less than significant and do not require mitigation.

<u>As described in Section 2, Project Description, new lighting sources would be of appropriate intensity for the intended use (e.g., safety, security, and/or general illumination for pedestrians), and would generally be hooded and directed downward to minimize potential for skyglow, glare, and/or light trespass to off-campus area. Because lighting installed on the project site would be of a similar distribution and intensity of existing sources at the Brawley Center, and because lighting sources would be hooded, directed downward, and</u>

excavation to maintain an escape route for any animals inside the burrow." If burrowing owls are encountered. CDFG will be consulted to ensure the appropriate measures are taken.

compliant with applicable standards (i.e., Title 24, ANSI/IES) for lighting control and light pollution reduction, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Potential indirect impacts to biological resources from lighting would be less than significant, and no additional mitigation is required.

BIO-1: Pre-Construction Nesting Bird Survey. If ground disturbance and/or vegetation clearance activities are scheduled to occur during the avian nesting season (February 15 to <u>September</u> August-30), SDSU, or its designee, shall retain a biologist to conduct a preconstruction nesting bird survey within the area to be disturbed and a 500-foot buffer. Surveys should be conducted within 3 days prior to initiation of activity between dawn and noon.

If construction begins outside the nesting bird season (i.e., between <u>October 1</u> August 31 and <u>January 31</u> February 14), work may proceed without a nesting bird survey. If construction begins outside the nesting season, but crosses into the nesting season (i.e., start in January but work until March), construction activities may proceed without a nesting bird survey. However, anytime construction must pause for more than 72 hours during the nesting season, an updated nesting bird survey should be conducted prior to the resumption of construction activities.

If an active nest is detected during the nesting bird survey, avoidance buffers shall be implemented as determined by a biologist retained by SDSU. The buffer should be of sufficient distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the biologist until nestlings have fledged and dispersed, or it is confirmed that the nest has been unsuccessful or abandoned. <u>Noise levels will be monitored at active nests of special-status bird species to ensure noise levels do not exceed 55-60 dBA range (or the existing ambient noise levels).</u>

BIO-2: Burrowing Owl <u>Surveys</u> Avoidance and Relocation. Prior to the initiation of construction activities, SDSU, or its designee, shall retain a biologist to conduct a pre-construction survey for burrowing owl to determine the presence/absence of the species. SDSU shall submit at least one burrowing owl pre-construction survey report to the satisfaction of CDFW to document compliance with this mitigation measure. For the purposes of this mitigation measure, "qualified biologist" is a biologist who meets the requirements set forth in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012).

The survey shall be conducted within <u>14</u> 30 days <u>prior to the start of project-related</u> <u>construction activities and within 24 hours prior to ground disturbance, in accordance with</u> <u>the Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</u> of site <u>disturbance in accordance with the most current and applicable CDFW protocol</u>. If burrowing owls are not detected during the survey, no additional surveys or mitigation is required. Preconstruction surveys shall observe suitable burrowing owl habitat within the Project footprint and within 500 feet of the Project footprint (or within an appropriate buffer

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as required in the most recent guidelines and where legal access to conduct the survey exists).

Nesting Season Observation

If burrowing owl is located during the survey, occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a biologist approved by CDFW verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or that juveniles from the occupied burrows are foraging independently and capable of independent survival. If occupied burrows are present during the nesting season, construction activities may commence, or resume as applicable, after non-disturbance buffers are implemented by a biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrows are present, the biologist shall be contracted to perform monitoring during all construction activities approximately every other day. However, the definitive frequency and duration of monitoring shall be dependent on whether it is the breeding versus non-breeding season and the efficacy of the disturbance buffers, as determined by the biologist and in coordination with CDFW.

Non-Breeding/Non-Nesting Observation

If burrowing owl is detected during the non-breeding/non-nesting season (September 1 through January 31) or if confirmed to not be nesting, a non-disturbance buffer between the project activities and the occupied burrow shall be installed by a qualified biologist in accordance with the recommendations included in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). However, under these circumstances, monitoring by the biologist is not required.

Avoidance Not Possible through Non-Disturbance Buffers

If avoidance is not possible through the installation of non-disturbance buffers, SDSU, or its designee, shall prepare a Burrowing Owl Relocation and Mitigation Plan for submittal and approval by CDFW. Once approved, the Plan shall be implemented to relocate burrowing owls from the project site. <u>The Plan shall describe proposed avoidance,</u> monitoring, relocation, minimization, and/or mitigation actions. The Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details of proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take.

b) Would the project 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 U.S. Fish and Wildlife Service?

The 2003 Initial Study (IS) prepared for the Campus Master Plan EIR determined that no impact related to adverse effects on riparian habitat or other sensitive natural communities would occur.

The study area does not contain riparian vegetation communities or any vegetation communities identified as sensitive according to CDFW. As a result, **no impacts** to sensitive communities are expected to occur.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The IS prepared for the Campus Master Plan 2003 EIR determined that no impact related to adverse effects on wetlands would occur.

The project site does not contain wetland waters of the United States or state. The study area contains <u>two</u> <u>ditches constructed in uplands purely for the function of irrigating individual fields or draining onsite runoff</u> and do not serve as critical conveyance pathways for regional irrigation like ditches and/or canals that convey water throughout most of the year. They are also void of vegetation, lack a natural bed and bank, lack evidence of hydrology indicators and therefore would not support habitat for fish or wildlife species potential non wetland waters of the United States and non wetland waters of the state; however, all features are located outside the project footprint, near the perimeter of the Brawley Center site, and direct impacts would be avoided. While there are no wetlands on site,</u> <u>L</u>indirect short-term impacts to <u>these</u> <u>ditches</u> jurisdictional waters include changes to hydrology, erosion, chemical pollution, and fugitive dust, and substantial long-term impacts include hydrology alterations and chemical pollution. Indirect impacts to <u>these ditches could affect the water quality onsite and</u> jurisdictional waters would be significant without mitigation. Mitigation measure **BIO-3** requires that the work limits be appropriately flagged and that equipment and spoil sites be placed in uplands within the proposed development area. Implementation of mitigation measure **BIO-3** would reduce potential indirect impacts to <u>water quality</u> jurisdictional waters outside of the project footprint to a **less than significant level with mitigation incorporated**.

- BIO-3: General Avoidance and Minimization Measures. SDSU, or its designee, shall implement the following measures during project construction activities to avoid indirect impacts to <u>ditches</u> aquatic resources:
 - Construction limits should be clearly flagged so that adjacent native vegetation is avoided.
 - Construction work and operations and maintenance areas should be kept clean of debris, such as trash and construction materials. Fully covered trash receptacles that are animal-proof should be installed and used during construction to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles should be removed from the work area at least once a week.
 - Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents should be located within the designated impact area or adjacent developed areas.

- Best management practices (BMPs) should be implemented to ensure water quality in existing <u>ditches</u> drainages would not be affected during project activities.
- d) Would the project 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?

The IS prepared for the Campus Master Plan 2003 EIR determined that no impact related to wildlife movement or migration would occur.

The project site is not located within an area that functions as a wildlife movement or migration corridor. As such, the proposed project would not constrain natural wildlife movement in its vicinity and **no impact** would occur.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The IS prepared for the Campus Master Plan 2003 EIR determined that no impact related to conflicts with local biological resources policies or ordinances would occur.

As proposed, the project would not conflict with any local policies or ordinances protecting biological resources. Therefore, **no impact** would occur to any biological resources protected by a local ordinance.

f) Would the project 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 IS prepared for the Campus Master Plan 2003 EIR determined that no impact related to conflicts with local biological resources policies or ordinances would occur.

There are no habitat conservation or natural community plans that have been implemented for the project area. The Imperial Irrigation District developed a planning agreement in 2006 for a regional HCP, however that plan is still in development and has not been implemented. As such, the project would not conflict with any applicable plans and **no impact** would occur.

To:	Michael Haberkorn Gatzke Dillon & Ballance LLP	Date:	<u>5-24-2023October</u> <u>16, 2023</u>	Engineers & Planners
From:	John Boarman, P.E. LLG, Engineers	LLG Ref:	3-22-3658	Traffic Transportation Parking
Subject:	SDSU Brawley STEM Facility, Trans	sportation Anal	ysis	Linscott. Law &

The purpose of this technical memorandum is to analyze the potential transportation impacts related to construction and development of the proposed STEM (science, technology, engineering, and mathematics) building to be constructed on the Brawley campus of San Diego State University (SDSU) (Project or proposed Project). The transportation impacts associated with development of the Brawley campus were analyzed previously in the certified 2003 SDSU Imperial Valley Master Plan Project environmental impact report (EIR), SCH No. 200251010. The EIR analyzed the potential transportation-related impacts associated with development of a Campus Master Plan that would serve a student enrollment up to 850 full-time equivalent (FTE) students. The proposed Project does not include/propose an increase in the previously authorized and approved maximum student enrollment of 850 FTE, nor would the proposed Project result in an FTE enrollment above the previously approved 850.¹

PROJECT DESCRIPTION

The proposed Project consists of the construction of a new standalone building that would house laboratory, lecture, and research space on the SDSU Brawley campus. The new building would be located on a vacant site in the southwest portion of the campus that was designated for development on the approved Brawley Campus Master Plan. Specifically, the STEM building would be located generally on the site of Building 102, as shown on the Campus Master Plan and previously analyzed and approved as part of the 2003 EIR. See *Figure C*, Proposed Building.

The proposed building would consist of approximately <u>66,00037,000</u> gross square feet ("GSF"), with 43,000 assignable square feet ("ASF"). The structure would include lower and upper division teaching labs, interdisciplinary lecture space, 45 faculty/administrative offices, research and research services space, conference rooms, and mechanical/electrical/telecommunication support space. The facility also will include 20,000 ASF of labs, core facilities with major instruments, and experimental fabrication space for collaborative work with public and private partners.

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¹ A full-time equivalent (FTE) student is a student taking a full course load of 15 credits. Three parttime students, each taking five credits, would be considered one FTE student.

The new building would accommodate a portion of the previously approved 850 FTE students; the proposed Project does *not* include or propose an increase in student enrollment over the previously approved level. Existing faculty plus four new faculty members would staff the new facility; no other additional university staff or personnel would be added to the campus population as a result of the proposed Project.²

Figure A shows a project vicinity map, depicting the location of the existing campus structures. Figure B shows a project area map. Figure C contains a map of the proposed building.

A summary of the traffic impact analysis presented in the 2003 EIR in support of the approved Campus Master Plan is presented below, followed by additional analysis specific to the proposed Project.

A. Campus Master Plan EIR Traffic Impact Analysis

In 2003, Linscott, Law and Greenspan (LLG) conducted a traffic impact analysis (TIA) pursuant to the requirements of the California Environmental Quality Act (CEQA) for the then proposed SDSU Brawley Campus Master Plan. The Brawley campus is located in the eastern portion of the city of Brawley, approximately onequarter mile west of McConnell Road on the north side of SR-78. The TIA analyzed the potential transportation-related impacts associated with development of the campus, including an FTE student enrollment of 850. The project analyzed in the traffic study included the development of new classrooms and administrative buildings that would provide the necessary facilities to serve up to 850 FTE students. The complete traffic study, *Traffic Impact Analysis San Diego State University Off-Campus Center Brawley, California* (March 19, 2003, LLG), is attached to this memorandum as *Appendix A*.

Table 2 of the TIA shows that the campus at buildout, with an enrollment of 850 FTE students, would generate 2,000 Average Daily Trips (ADT), with 170 AM peak hour trips and 200 PM peak hour trips. LLG used the Institute of Traffic Engineers (ITE) trip rates to calculate the number of peak hour trips that would be generated by the campus at buildout.

The study area analyzed in the TIA included the following 8 intersections and 6 street segments (See TIA Tables 3A and 4).

Intersections:

1. SR-78 / SR-86

² SDSU reports that approximately 45 FTE students were enrolled for the Fall 2022 semester at the Brawley campus.

- 2. SR-78 / SR-111 W.
- 3. SR-111 / Shank Road
- 4. SR-78 / SR-111
- 5. SR-78 / Project Access Driveway
- 6. SR-78 / McConnell Road
- 7. McConnell Road / Schwartz Road
- 8. SR-78 / Seybert Road

Street Segments:

- 1. SR-78: West of SR-86 S.
- 2. SR-78: SR-86 S. to SR-111 W.
- 3. SR-78: SR-111 S. to McConnell Road
- 4. SR-78: McConnell Road to SR-115
- 5. SR-86: South of SR-78
- 6. SR-111: North of Shank Road
- 7. SR-111: South of SR-78

The analysis presented in the TIA concluded that the future Brawley campus, with a buildout enrollment of 850 FTE students, would result in significant cumulative impacts at the SR-78 / SR-111 intersection, the segment of SR-111 south of SR-78, and at the campus access point to SR-78.

To mitigate the identified significant impacts, the Final EIR included the following mitigation measures, which were drafted based on the improvements recommended in the TIA (see Final EIR Mitigation Monitoring and Reporting Program (MMRP) page 11-3). The mitigation measures were adopted by the California State University Board of Trustees, and all of the improvements encompassed by the measures have been implemented to date, with the exception of signalization of the SR-78 / SR-111 intersection because the necessary signal warrants have not yet been met (i.e., the intersection does not yet generate sufficient traffic volumes to warrant signalization). (Existing/current road configurations were noted via Google Maps.).

- Provision of an eastbound left-turn pocket and a westbound right-turn pocket on SR-78 at the project access point, provision of a dedicated southbound leftturn lane and right-turn lane at the project driveway approaching SR-78 shall be completed by Caltrans.
- Caltrans shall ensure that County of Imperial standards are applied to the corner sight distance at the campus access point.
- The eventual signalization of the SR-78 / SR-111 intersection, including dedicated northbound left-turn lane with a shared through-right turn lane shall be completed by Caltrans.

Note that in addition to the above described improvements, right-of-way consistent with Caltrans standards has been dedicated along the project frontage. As previously mentioned, t<u>T</u>he <u>campus</u> access point to SR-78 at the <u>SR 78 / SR 111 intersection</u> remains unsignalized since signal warrants are not met.

B. Project Specific Analysis

The analysis presented below addresses the potential project-specific transportation related impacts associated with construction and development of the STEM building. The previously certified EIR analyzed the potential traffic impacts associated with development of the current approved Brawley Campus Master Plan at a program level of review. As previously noted, that analysis considered the potential impacts associated with a student enrollment of 850 FTE students. Because the proposed Project would not increase student enrollment beyond the number analyzed in the 2003 TIA and related EIR, no further analyses of vehicle trips that would be generated by the student body or faculty/staff is necessary or required.

The following thresholds of significance are based on CEQA Guidelines Appendix G, XVII Transportation. The proposed project would have a potential significant transportation-related effect if the project would:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?

Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed Project would be constructed and developed consistent with the previously approved 2003 Campus Master Plan for the SDSU Brawley campus. The Project would be built generally on the site of Building 102 as designated on the approved Campus Master Plan. Additionally, the proposed Project does not include any improvements to the Brawley circulation system, including transit, roadway, bicycle, or pedestrian facilities. Any improvements constructed relating to the proposed Project would be constructed on-site and would be consistent with the Campus Master Plan and any applicable CSU policies. Accordingly, the impacts would be **less than significant**.

Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

CEQA Guidelines section 15064.3, subdivision (b), provides the criteria for analyzing transportation impacts based on a vehicle miles traveled (VMT) metric. Generally, VMT exceeding an applicable threshold of significance may indicate a significant impact requiring mitigation. Projects that decrease VMT in the project area compared to existing conditions should be presumed to have a less than significant transportation impact. Additionally, if existing models or methods are not available to estimate the VMT for a particular project, a lead agency may analyze the project's VMT qualitatively, taking into account such factors as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT.

In terms of construction traffic, construction of the proposed Project would entail 7,500 cubic yards of fill that would be cut on campus and then reused on the Project site. Because the cut and fill process will be balanced on-site, there would be no import or export related vehicle trips and no VMT generated in connection with this process. As to vehicle trips generated by material deliveries, worker trips, etc., based on the relatively small building to be constructed (66,000 SF), it is our professional judgment that construction-related trips would generate a nominal amount of vehicle trips and associated VMT. Moreover, VMT associated with heavy duty truck trips (as opposed to light-duty and passenger vehicle trips) is not considered as part of the CEQA VMT analysis. For these reasons, impacts related to construction-related vehicle trips would be **less than significant**.

As to those vehicle trips that would be generated in connection with operation of the STEM building, as previously explained, vehicle trips associated with a student

enrollment of 850 FTE were previously analyzed as part of the 2003 certified EIR, with appropriate mitigation recommended and implemented. As the proposed Project would not increase, or result in an increase above, the previously approved enrollment, there would be no additional vehicle trips associated with the operation of the Project and, therefore, no further analysis under CEQA is required.

For information purposes, we note that oOne of the key inputs into VMT calculations is trip length. The presence of the SDSU satellite campus in Brawley allows students that live in Brawley or elsewhere in Imperial County to drive a shorter distance than if they attended another university. For instance, a student living in downtown Brawley would need to drive 6 miles one-way to the SDSU Brawley campus. However, if that same student were to attend SDSU or UC Riverside, the student would need to travel a much greater distance and, thereby, would generate substantially more VMT.

For comparative purposes, we note that the distances to other comparable campuses are much longer.

•	Brawley to San Diego State University	120 miles
•	Brawley to UC Riverside	160 miles
•	Brawley to CSU San Bernardino	150 miles

Due to the far greater distances to travel to other universities, it is reasonable to conclude that the proposed Project would result in reduced trip lengths and, hence, reduced VMT than if the student were traveling to another campus.

Thus, the STEM facility is analogous to opening a neighborhood Starbucks or other local serving facility. These types of facilities are presumed under VMT analyses to shorten trips and reduce areawide VMT because the patrons of such establishments no longer need to travel to more distant locations. (See, Office of Planning and Research (OPR) Technical Advisory (December 2018, page 16); and Caltrans Transportation Impact Study Guide (May 20, 2020, page 11 [local-serving projects would have a less than significant VMT impact]). For these reasons, it is our professional judgment that the proposed Project would have an overall positive effect on VMT. Based on the OPR (2018) and Caltrans (2020) guidelines, projects that reduce trip lengths would have a positive effect on VMT. Therefore, because the proposed project can be considered to be a local serving facility, this analysis concludes that the proposed project would result in a less than significant VMT impact.

Mitigation Monitoring and Reporting Program

BRAWLEY SCIENCES BUILDING - MITIGATION MONITORING AND REPORTING PROGRAM (October 2023)

Introduction	 2003 campus master rain are addressed separately in the previously adopted in <i>C Brawley - Mitigation Monitoring Plan</i>. As noted in the table below, two mitigation measures previously adopted and included in the <i>IVC Brawley - Mitigation Monitoring Plan</i> are superseded and replaced by measures adopted as part of the Board's approval of the Brawley Sciences Building project.). The following table lists each mitigation measure adopted by the Board as part of its approval of the Brawley Sciences Building project, the timeframe when each measure is to be implemented (the "mitigation phase"), the entity responsible for implementing the measure, the frequency of monitoring, and the compliance status of the measure (i.e., in progress, completed, etc.). The MMRP has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act. It is the intent of this program to (1) verify satisfaction of the required mitigation measures for the project: (2) provide a methodology.
Purpose	to document implementation of the required mitigation; (3) provide a record of the monitoring; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes wherever feasible.

Mitigation Measure No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance
3.4 Biological H	Resources				
BIO-1 If ground during design within within If cons and Ja begins in Janu	d disturbance and/or vegetation clearance activities are scheduled to occur the avian nesting season (February 1st to September 30 th), SDSU, or its ee, shall retain a biologist to conduct a pre-construction nesting bird survey the area to be disturbed and a 500-foot-buffer. Surveys should be conducted 3 days prior to initiation of activity between dawn and noon. truction begins outside the nesting bird season (e.g., between October 1 st nuary 31st), work may proceed without a nesting bird survey. If construction outside the nesting season, but crosses into the nesting season (i.e., starts uary but work continues until March), construction activities may proceed	Prior to and during construction activities	SDSU or its designee	As necessary during project construction to ensure compliance	

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Brawley Sciences Building MMRP-1

Mitig Measu	ation ure No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance
	without than 72 conduc	a nesting bird survey. However, anytime construction must pause for more 2-hours during the nesting season, an updated nesting bird survey should be ted prior to the resumption of construction activities.				
	If an ac be impl be of su by accu activity nestling unsucc status b	tive nest is detected during the nesting bird survey, avoidance buffers shall demented as determined by a biologist retained by SDSU. The buffer should ufficient distance to ensure avoidance of adverse effects to the nesting bird bunting for topography, ambient conditions, species, nest location, and type. All nests shall be monitored as determined by the biologist until gs have fledged and dispersed, or it is confirmed that the nest has been essful or abandoned. Noise levels will be monitored at active nests of special- bird species to ensure noise levels do not exceed 55-60 dBA range.				
BIO-2	Prior to biologis presend constru measur biologis & Wildli	the initiation of construction activities, SDSU, or its designee, shall retain a at to conduct a pre-construction survey for burrowing owl to determine the ce/absence of the species. SDSU shall submit at least one burrowing owl pre- action survey report to CDFW to document compliance with this mitigation re. For the purposes of this mitigation measure, "qualified biologist" is a at who meets the requirements set forth in the California Department of Fish ife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012).	Prior to and during construction activities	SDSU or its designee	As necessary during project construction to ensure compliance	
	The sur constru accorda version or mitig owl hat (or with legal ac	rvey shall be conducted within 14 days prior to the start of project-related action activities and within 24 hours prior to ground disturbance, in ance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent). If burrowing owls are not detected during the survey, no additional surveys gation is required. Preconstruction surveys shall observe suitable burrowing bitat within the Project footprint and within 500 feet of the Project footprint in an appropriate buffer as required in the most recent guidelines and where scess to conduct the survey exists).				
	The sur the mos during	vey shall be conducted within 30 days of site disturbance in accordance with st current and applicable CDFW protocol. If burrowing owls are not detected the survey, no additional surveys or mitigation is required. Preconstruction				

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Mitigation Measure No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance
surveys within in the r	s shall observe suitable burrowing owl habitat within the Project footprint and 500 feet of the Project footprint (or within an appropriate buffer as required nost recent guidelines and where legal access to conduct the survey exists).				
	Nesting Season Observation				
If burn disturb biologis birds h burrow occupie comme implem Staff R biologis approx monito season and in	by by own is located during the survey, occupied burrows shall not be ed during the nesting season (February 1 through August 31) unless a st approved by CDFW verifies through non-invasive methods that either the ave not begun egg laying and incubation, or that juveniles from the occupied is are foraging independently and capable of independent survival. If ed burrows are present during the nesting season, construction activities may ence, or resume as applicable, after non-disturbance buffers are nented by a biologist in accordance with the recommendations included in the eport on Burrowing Owl Mitigation (CDFW 2012). If burrows are present, the st shall be contracted to perform monitoring during all construction activities imately every other day. However, the definitive frequency and duration of ring shall be dependent on whether it is the breeding versus non-breeding and the efficacy of the disturbance buffers, as determined by the biologist coordination with CDFW.				
	Non-Breeding/Non-Nesting Observation				
If burn (Septer disturb installe in the S circum	rowing owl is detected during the non-breeding/non-nesting season mber 1 through January 31) or if confirmed to not be nesting, a non- ance buffer between the project activities and the occupied burrow shall be ad by a qualified biologist in accordance with the recommendations included staff Report on Burrowing Owl Mitigation (CDFW 2012). However, under these stances, monitoring by the biologist is not required.				
	Avoidance Not Possible Through Non-Disturbance Buffers				
lf avoid SDSU.	dance is not possible through the installation of non-disturbance buffers, or its designee, shall prepare a Burrowing Owl Relocation and Mitigation Plan				

Mitiga Measur	ation re No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance
(Note: M Resourc	(Plan) implem describ mitigat burrow monito avoidan cannot mitigat options or mitig litigatio ces, as i	for submittal and approval by CDFW. Once approved, the Plan would be bented to relocate burrowing owls from the Project site. The Plan shall be proposed avoidance, monitoring, relocation, minimization, and/or ion actions. The Plan shall include the number and location of occupied sites, acres of burrowing owl habitat that will be impacted, details of site ring, and details on proposed buffers and other avoidance measures if nee is proposed. If impacts to occupied burrowing owl habitat or burrow be avoided, the Plan shall also describe minimization and compensatory ion actions that will be implemented. Proposed implementation of burrow on and closure should only be considered as a last resort, after all other shave been evaluated as exclusion is not in itself an avoidance, minimization, gation method and has the possibility to result in take. n Measure BIO-2 supersedes and replaces Mitigation Measure 3.4 Biological dentified in the previously adopted <i>IVC Brawley – Mitigation Monitoring Plan.</i>)				
BIO-3	SDSU, constru • •	or its designee, shall implement the following measures during project action activities to avoid indirect impacts to aquatic resources: Construction limits should be clearly flagged so that adjacent native vegetation is avoided. Construction work and operations and maintenance areas should be kept clean of debris, such as trash and construction materials. Fully covered trash receptacles that are animal-proof should be installed and used during construction to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles should be removed from the work area at least once a week. Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents should be located within the designated impact area or adjacent developed areas. Best management practices should be implemented to ensure water quality in existing drainages would not be affected during project activities.	Prior to and during construction activities	SDSU or its designee	As necessary during project construction to ensure compliance	

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Mitiga Measu	ation re No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance
3.5/3.1	8 Cultu	ral Resources and Tribal Cultural Resources				
CUL-1	If CSU/ during shall archae Standa	/SDSU, or its designee, discovers, through the building contractor, any artifacts excavation and/or construction of the Brawley Sciences building, CSU/SDSU direct the contractor to stop all affected work and call in a qualified eologist meeting the Secretary of the Interior's Professional Qualification ards to assess the discovery and, if necessary, suggest further mitigation.	During construction activities	SDSU or its designee	As necessary during project construction to ensure compliance	
	If CSU, during shall c detern repres are dis to anc eligibil Califor contin the ne for list such a archae to resu	/SDSU, or its designee, discovers, through the Contractor, human remains construction of the Brawley Sciences building, CSU/SDSU, or its designee, contact the county corner and a qualified archaeologist. If the remains are nined to be Native American, CSU/SDSU shall contact the appropriate tribal centatives to oversee removal of the remains. If any buried cultural deposits scovered during construction, development should be suspended or directed other location and the discovery protected and evaluated for its potential lity for listing on the National Register of Historic Places (NRHP) or the mia Register of Historic Resources (CRHR). Construction activities may ue in other areas but should be redirected a safe distance from the find. If we discovery is evaluated and found to be significant under CEQA or eligible ing on the NRHP or the CRHR and avoidance is not feasible, additional work as data recovery may be warranted. Following evaluation by a qualified eologist and in consultation with CSU/SDSU, construction shall be permitted ume.				
(Note: M Resourc	litigatio ces, as io	n Measure CUL-1 supersedes and replaces Mitigation Measure 3.5 Cultural dentified in the previously adopted <i>IVC Brawley – Mitigation Monitoring Plan.</i>)				
CUL-2	Althou is con meetir project for suc to sele	isidered low, in response to requests made during AB 52 consultation ings, CSU/SDSU shall authorize tribal monitoring of such resources during t construction grading activities and shall provide appropriate remuneration ich monitoring consistent with standard practices. SDSU retains the authority eet the monitor, which shall be provided by either the Sycuan Band of the	During construction grading activities	SDSU or its designee	As necessary during project construction to ensure compliance	

Mitiga Measur	tion e No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance	
(Note: M Resourc	Kume resour avoida Follow Band CSU/S litigatio es, as in	yaay Nation or the San Pasqual Band of Mission Indians to evaluate the rece and develop and plan for treatment and disposition of the resource. If ince is not feasible, additional work such as data recovery may be warranted. ing evaluation by a qualified archaeologist, in consultation with the Sycuan of the Kumeyaay Nation, the San Pasqual Band of Mission Indians, and iDSU, construction shall be permitted to resume. In Measure CUL-2 supersedes and replaces Mitigation Measure 3.5 Cultural dentified in the previously adopted <i>IVC Brawley – Mitigation Monitoring Plan.</i>)					
3.7 Geology and Soils							
GEO-1	Prior to retain 2010 Progra guidel worke requin report treatm microi manag curatio its des	b commencement of any grading activity on site, SDSU or its designee shall a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) guidelines to prepare a Paleontological Resources Impact Mitigation im (PRIMP) for the project. The PRIMP shall be consistent with the SVP 2010 ines and outline requirements for: preconstruction meeting attendance and r environmental awareness training; where paleontological monitoring is ed within the project site based on construction plans and/or geotechnical s; and, procedures for adequate paleontological monitoring and discoveries hent, including paleontological methods (including sediment sampling for nvertebrate and microvertebrate fossils), reporting, and collections gement. The PRIMP shall also include a statement that any fossil lab or on costs (if necessary due to fossil recovery) are the responsibility of SDSU or signee.	Prior to commencement of grading activities, and during ground disturbance activities	SDSU or its designee	As necessary to ensure compliance		
	In add gradin areas necess preser during gradin	ition, a qualified paleontological monitor shall be on site during initial rough g and other significant ground-disturbing activities (including augering) in underlain by Lake Cahuilla sediments. No paleontological monitoring is sary during ground disturbance within artificial fill, if determined to be nt. In the event that paleontological resources (e.g., fossils) are unearthed g grading, the paleontological monitor will temporarily halt and/or divert g activity to allow recovery of paleontological resources. The area of					

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Mitigation Measure No.	Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of Monitoring	Compliance
discov collect in the	ery will be roped off with a 50-foot radius buffer. Once documentation and tion of the find is completed, the monitor will allow grading to recommence area of the find.				