

TO: City Council

FROM: Ed Gallagher, Housing Programs Manager

SUBJECT: Mitigated Negative Declaration for Thunderbird Waterline

DATE: May 18, 2004

1. Council consideration of approval of a Mitigated Negative Declaration for the construction of a 16-inch water pipeline to connect the Thunderbird Wells to the City's East Side water distribution system is scheduled for May 18, 2004 (Agenda Item # 2).
2. The draft Mitigated Negative Declaration was circulated to other interested agencies and given public notice as required by the California Environmental Quality Act (CEQA).
3. On May 12, the City received, via e-mail, a letter from Tamara Kleeman of the County Agricultural Department recommending that 5 mitigation measures be added to the project.
4. The recommended mitigation measures are designed to minimize impacts to agricultural operations and prevent spreading of noxious weeds. They are similar in scope and nature to other mitigation measures already recommended for this project.
5. Attached is a revised Mitigation Monitoring Plan that includes the 5 recommended additional mitigation measures. The revised Mitigation Monitoring Plan would replace that version presently attached to the staff report for item #2 as Exhibit A of the Resolution Approving a Mitigated Negative Declaration.

Attachments:

1. Revised Mitigation Monitoring Plan (to be Exhibit A of the Resolution Approving a Mitigated Negative Declaration)
2. Letter from Tamara Kleeman, Agricultural Inspector/Biologist

# EXHIBIT A

## MITIGATION MONITORING PLAN FOR THUNDERBIRD WELLS 16 INCH WATERLINE

Mitigation Measures	Time Frame	Monitoring Agency
1. Prior to commencing construction, the applicant shall obtain all necessary temporary and permanent easements from all affected landowners.	Prior to construction	Public Works Dept.
2. Prior to and during construction, the project applicant shall coordinate construction activity time with affected landowners. Proper timing of construction activities shall minimize any potential impacts to crops. The property owners shall be notified in writing at least 30 days in advance of proposed construction activities.	Prior to and during construction	Public Works Dept.
3. During construction activities, all equipment shall be inspected for foreign soil and seed matter caught in wheels and tires prior to use to ensure that weeds and exotic plants are not inadvertently transported onto the agricultural fields.	Prior to and during construction	Public Works Dept.
4. Immediately following completion of pipe installation, all areas disturbed by grubbing, grading, trenching, boring, and equipment and materials storage shall be restored and stabilized to pre-disturbance conditions.	Upon completion of pipe installation	Public Works Dept.
5. If maintenance work is necessary, the applicant shall notify all affected landowners in writing within 30 days. If emergency work is necessary, the applicant shall immediately notify the landowners in writing and by phone.	Ongoing	Public Works Dept.
6. Prior commencing construction, the applicant shall prepare the following plans, and shall implement the plans prior to, during, and immediately following construction activities:  a. An erosion and sedimentation control plan: The plan shall address temporary (i.e., during site disturbance, stock piling, and boring activities) and final (i.e., post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site.  b. A spill contingency plan: The plan shall address the prevention of release of petroleum and hazardous materials, and shall present containment methods for an emergency clean-up. Prevention measures shall include, but not be limited to, identification of appropriate fueling areas outside of the Salinas River flood plain and any other sensitive area,	Prior to construction	Public Works Dept.

Mitigation Measures	Time Frame	Monitoring Agency
<p>a maintenance schedule for equipment, and a list of containment and clean-up materials to be stored onsite. To reduce the potential for inadvertent release of vehicle fuel to adjacent aquatic habitats, the City shall avoid all cleaning and refueling of equipment and vehicles up-slope or in the vicinities of existing drainages and associated seasonal wetland habitat. Vehicles shall be staged only in appropriately marked and protected areas. If an accidental spill of hazardous or toxic materials occurs, the Regional Water Quality Control Board, California Department of Fish and Game, and California Department of Toxic Substances control shall be notified.</p>		
<p>7. Copies of the erosion and sedimentation control and spill contingency plans shall be kept on the construction site at all times, and spill containment equipment shall be available at the project site during all operations.</p>	During construction	Public Works Dept.
<p>8. Prior commencing construction, the applicant shall receive a finalized Streambed Alteration Agreement (R3-2002-0851) from the California Department of Fish and Game. All conditions stated in the Agreement shall be strictly adhered to during all construction activities.</p>	Prior to construction	Public Works Dept.
<p>9. Prior to commencing construction, the applicant shall prepare a frac out contingency plan. The plan shall outline the notification procedure, clean-up operation, the conditions by which the boring operation will be abandoned, and how many repeated bores may be attempted. The plan shall also include a proposed frac out clean-up plan to minimize impacts to riparian woodland species, oak trees, and coastal scrub habitats within the Salinas River corridor.</p>	Prior to construction	Public Works Dept.
<p>10. Prior to commencing construction, the applicant shall retain a biological monitor experienced with horizontal directional drilling (HDD) technology. The Monitor shall be under contract with the City for construction field inspection and reporting, and enforcement of conditions of approval (City and California Department of Fish and Game).</p>	Prior to construction	Public Works Dept.
<p>11. During construction, the retained Monitor shall supervise all construction activities located within 100 feet of the edge of riparian vegetation associated with the Salinas River corridor, all construction activities associated with HDD, and all construction activities east of the Salinas River. Weekly reports, including photodocumentation, shall be prepared by the retained Monitor that document construction activities and associated effects on sensitive biological resources and water quality.</p>	During construction	Public Works Dept.
<p>12. Site disturbance and construction activities shall not occur during the rainy season (October 15 through April 15). No construction activities shall occur during or immediately following a rain event or if water is flowing within the Salinas River in the project area.</p>	Prior to and during construction	Public Works Dept.

Mitigation Measures	Time Frame	Monitoring Agency
<p>13. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans prior to commencement of construction:</p> <ul style="list-style-type: none"> <li>a. Reduce the amount of the disturbed area where possible.</li> <li>b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.</li> <li>c. All dirt stock-pile areas should be sprayed daily as needed.</li> <li>d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.</li> <li>e. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.</li> <li>f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</li> <li>h. All trucks hauling dirt, sand, or other loose materials are to be covered or should maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.</li> </ul>	Prior to construction	Public Works Dept.
<p>14. Prior to commencement of construction, the applicant shall clearly mark the boundaries of proposed work areas, staging areas, and access routes, with highly visible construction fencing. All vehicles and equipment shall be restricted to these identified areas. Correct placement of construction fencing shall be verified by the retained Monitor, and enforcement of site disturbance limits shall be verified during monitoring inspections.</p>	Prior to construction	Public Works Dept.
<p>15. Prior to commencement of construction, the retained Monitor shall conduct a brief training session to advise construction personnel on the biological sensitivity of various habitats and sensitive species including southern steelhead, western spadefoot toad, San Joaquin kit fox, and nesting birds and discuss various measures for minimizing potential construction-related impacts.</p>	Prior to construction	Public Works Dept.

Mitigation Measures	Time Frame	Monitoring Agency
<p>16. Prior to commencement of construction, the retained Monitor shall conduct pre-construction surveys for sensitive species potentially present with or in the vicinity of the project area including, but not limited to, southern steelhead, western spadefoot toad, San Joaquin kit fox, and nesting birds. The results of the surveys shall be submitted to the California Department of Fish and Game.</p>	<p>Prior to construction</p>	<p>Public Works Dept.</p>
<p>17. During construction activities, if southern steelhead, California red-legged frog, western spadefoot toad, southwestern pond turtle, burrowing owl burrows, loggerhead shrike, San Joaquin kit fox, or any other sensitive or special-status species are observed, presence shall be documented by the retained Monitor and the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be consulted.</p>	<p>During construction</p>	<p>Public Works Dept.</p>
<p>18. The City shall retain a certified arborist to supervise ground disturbance activities occurring in the immediate vicinities of the noted nine oaks. The arborist shall recommend mitigation measures to minimize impacts to oak trees due to work conducted within their drip-lines.</p>	<p>Prior to and during construction</p>	<p>Public Works Dept.</p>
<p>19. During proposed horizontal directional drilling (HDD) boring activities, the use of boring equipment on the east side of the Salinas River shall not be allowed between the hours of 7:00 p.m. and 7:00 a.m.</p>	<p>During construction</p>	<p>Public Works Dept.</p>
<p>20. During construction, if site conditions require disturbance of the underlying Paso Robles Formation, a qualified paleontologist shall be retained to prepare and implement a Paleontological Monitoring and Recovery Plan (PMRP). The PMRP program shall include the following at minimum:</p> <ul style="list-style-type: none"> <li>a. List of personnel involved in the monitoring activities;</li> <li>b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities);</li> <li>c. Description of how the monitoring shall occur;</li> <li>d. Description of frequency of monitoring (e.g. full-time, part time, spot checking);</li> <li>e. Description of what resources are expected to be encountered;</li> <li>f. Description of circumstances that would result in the “work diversion” at the project site;</li> <li>g. Description of procedures for diverting work on the site and notification procedures;</li> <li>h. Description of monitoring reporting procedures;</li> </ul>	<p>During construction</p>	<p>Public Works Dept.</p>

Mitigation Measures	Time Frame	Monitoring Agency
<ul style="list-style-type: none"> <li>i. Disposition of collected materials, and;</li> <li>j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results.</li> </ul>		
<p>21. If paleontological resources are encountered at any time during construction activities, all work shall cease until the resource can be evaluated by a qualified paleontologist.</p>	During construction	Public Works Dept.
<p>22. Prior to commencement of construction, the applicant shall retain a qualified archaeologist and Native American consultant to monitor all excavation work associated with the proposed project. The monitors shall be empowered to temporarily stop trenching work in the area of any finds for evaluation or data recovery purposes. If work must be halted, the retained archaeological monitor shall immediately contact the City Project Manager.</p>	Prior to and during construction	Public Works Dept.
<p>23. The retained archeological monitor shall prepare daily monitoring reports, and submit weekly monitoring summary reports to the City Project Manager. Immediately following completion of the proposed project, the retained archaeological monitor shall prepare a monitoring completion report for submittal to the City Project Manager.</p>	During construction and upon completion of construction	Public Works Dept.
<p>24. Thoroughly clean earth moving equipment (excavators/backhoes and similar equipment) prior to bringing on site to prevent introduction of noxious weeds such as perennial pepperweed (<u>Lepidium latifolium</u>).</p>	During construction.	Public Works Dept.
<p>25. Thoroughly clean earth moving equipment (as above) prior to leaving the site, and leave all soil within the project area to prevent spread of any noxious weed occurring on site.</p>	During construction.	Public Works Dept.
<p>26. Coordinate timing of construction activities with the agricultural operators to minimize impacts to agricultural crops.</p>	Prior to and during construction	Public Works Dept.
<p>27. Incorporate adequate dust control measures to protect adjacent agricultural crops.</p>	During construction	Public Works Dept.
<p>28. Restore site and any field disturbance to preconstruction condition.</p>	During construction and upon completion of construction	Public Works Dept.

**DATE:** May 5, 2004

**TO:** Shawna Scott, Resource Specialist

**FROM:** Tamara Kleemann, Agricultural Inspector/Biologist

**SUBJECT:** City of Paso Robles Thunderbird Wells Waterline Project (0857)

### **Summary of Findings**

The Agriculture Department's review finds that the City of Paso Robles Thunderbird Wells Waterline Project will have:

- Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- Less than significant** impact(s) to agricultural resources or operations with the incorporation of the following mitigation measures identified below.
- No Anticipated Impact** to agricultural resources or operations.

### **Recommended Mitigation Measures**

1. Thoroughly clean earth moving equipment (excavators/backhoes and similar equipment) prior to bringing on site to prevent introduction of noxious weeds such as perennial pepperweed (Lepidium latifolium). \*
2. Thoroughly clean earth moving equipment (as above) prior to leaving the site, and leave all soil within the project area to prevent spread of any noxious weed occurring on site.
3. Coordinate timing of construction activities with the agricultural operators to minimize impacts to agricultural crops.
4. Incorporate adequate dust control measures to protect adjacent agricultural crops.
5. Restore site and any field disturbance to preconstruction condition.

\*Currently, perennial pepperweed is not known to occur in the project area, however, it does occur in the Salinas River a few miles north beginning near Wellsona Road.

**City of Paso Robles Thunderbird Wells Waterline Project**

**May 5, 2004**

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The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-4696.