

M E M O

TO: Board of Directors

FROM: District Manager

SUBJECT: MITIGATED NEGATIVE DECLARATION; RALSTON WATER
TANK REPLACEMENT PROJECT

DATE: October 4, 2007

RECOMMENDATION:

It is recommended that the Board of Directors review this memo and adopt the attached resolution approving a Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Program, for the Ralston Water Tank Replacement Project.

BACKGROUND:

The adopted annual budget for Fiscal Year 2007/2008 provides funding for the Ralston Water Tank Replacement Project. The proposed project includes the relocation and replacement of the existing Ralston Water Storage Tank generally located along Ralston Ridge Road, Boulder Creek. The proposed project also includes the installation of approximately 1,000 lineal feet of new 8-inch water distribution mainline. The new water mainline would extend from the Ralston Water Storage Tank to Timberwood Road.

The Local Agency Formation Commission (LAFCO) has a policy which requires County Planning Commission review of any water main extension intended to serve property in the Mountain Residential, Open Space or Timber Production Zone Districts. The purpose of this review is to ensure conformity with the County General Plan. The Timberwood Road area is designated as Mountain Residential. In October 2004 the District submitted a request to the Planning Commission for review of a proposed water mainline extension in the Timberwood Road area as to conformity with the General Plan. In March 2005 the Santa Cruz County Planning Commission determined the proposed water mainline extension to Timberwood Road was consistent with the County General Plan.

Staff engaged the services of Denise Duffy & Associates, Inc., Planning and Environmental Consultants, Monterey, California to conduct an Initial Study for the proposed project pursuant to the requirements of the California Environment Quality Act (CEQA). The purpose of an Initial Study is to determine if the proposed project may have a significant effect on the environment. The District is the "Lead Agency" relative to the proposed project and responsible for implementation of CEQA requirements. The Initial Study identified potentially significant effects on the

environment. Pursuant to CEQA, the District prepared a Mitigated Negative Declaration. The Mitigated Negative Declaration addresses all identified potential environmental effects of the proposed project and finds, based upon agreed revisions to the project which clearly mitigate the effects, there will not be a significant effect on the environment. The Mitigated Negative Declaration prepared for the project has determined that there will not be a significant effect on the environment. A copy of the Initial Study/Mitigated Negative Declaration is transmitted under separate cover for your review and consideration.

On August 28, 2007 a copy of the Initial Study/Mitigated Negative Declaration was submitted to the State Clearinghouse and public notice given in accordance with CEQA guidelines. Pursuant to the "Notice of Intent to Adopt a Mitigated Negative Declaration" dated August 28, 2007, written comments could be submitted to the District on or before the close of the 30-day public review period. The public review period closed on September 28, 2007. The District received no verbal or written comments from the public during the review period.

When approving a Mitigated Negative Declaration, the Lead Agency must also adopt a monitoring or reporting program for the mitigation measures made a condition of the project approval to mitigate or avoid significant environmental effects. As required by CEQA, the District has prepared a Mitigation Monitoring and Reporting Program for the Ralston Water Storage Tank Replacement Project. See Attachment 1.

RECOMMENDATION:

It is recommended that the Board of Directors review this memo and adopt the attached resolution approving a Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Program, for the Ralston Water Tank Replacement Project.

James A. Mueller
District Manager

JAM/bsb

MITIGATION MONITORING & REPORTING PROGRAM RALSTON TANK REPLACEMENT PROJECT

Impact	Mitigation	Timing of Implementation	Responsibility for Implementation	Verified for Compliance	Done (X)
Biological Resources					
Development of the project could impact the Santa Cruz kangaroo rat, a special status species, if present.	Pre-construction surveys of the project site shall be conducted for Santa Cruz kangaroo rat nests by a qualified biologist no more than 7 days prior to construction. Upon the discovery of a nest the biologist shall contact CDFG to discuss actions required to move forward with construction (i.e. nest avoidance or removal).	No more than 7 days before construction	Qualified biologist retained by SLVWD	SL VWD Manager	
Development of the project could impact nesting raptors such as Cooper's hawk and osprey, two special status species, if present.	If project activities will begin during the typical avian nesting season (February 15 to August 1), a qualified biologist shall conduct focused pre-construction surveys for nesting birds no more than 14 days prior to construction, in areas that may provide suitable nesting habitat within 300 feet of construction activities. If active nests are found, a suitable construction buffer shall be established by a the biologist (typically 300 feet), and no work shall occur within that buffer until August 1 when young are assumed fledged. Alternatively, a qualified biologist can conduct weekly nest checks to gauge nestling/fledgling status, and construction may proceed once fledglings have dispersed from the nest provided written concurrence from CDFG. No active nest shall be impacted or removed without a depredation permit from CDFG. For activities that occur outside of the nesting season (generally September 1 to February	No more than 14 days before construction During construction	Qualified biologist retained by SLVWD Qualified biologist retained by SLVWD	SL VWD Manager SL VWD Manager	

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	14), pre-construction surveys are not required. If construction is initiated outside of the nesting season and continues into the nesting season, pre-construction surveys are required if construction will occur in areas not previously accessed and/or disturbed (>300 feet from previous construction activities).				
Development of the project could disturb roosting pallid and Townsend's big-eared bats, two special status species, if present.	<p>A qualified bat specialist shall conduct site surveys to characterize bat utilization of the site and species composition present (techniques utilized to be determined by the biologist) no more than 30 days prior to construction. Based on the results of these surveys, one or more of the following shall occur.</p> <p>-If it is determined that bats are not present at the site, no additional mitigation is required.</p> <p>-If it is determined that bats are utilizing the site and will likely be impacted by the proposed project, pre-construction surveys shall be conducted no more than 30 days prior to modification, demolition, or removal of onsite buildings and/or any other occupied habitat. If no bat or bat sign are observed in the course of preconstruction surveys, then demolition/removal of buildings and/or construction initiation may proceed. If bat and/or bat signs are observed during the</p>	No more than 30 days before construction and during construction	Qualified bat specialist retained by SLVWD	SLVWD Manager	

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	<p>preconstruction surveys, the biologists shall determine if disturbance will jeopardize a maternity roost, or another type of roost (foraging, day, night).</p> <p>-If a single bat and/or only adult bats are roosting, demolition or removal of the structure can proceed after the bats have been safely excluded from the roost. Exclusion techniques shall be determined by the biologist and depend on the type utilization; the biologist shall prepare a mitigation plan for provision of alternative habitat to be approved by CDFG and the City.</p> <p>-If an active maternity roost is detected, work in the vicinity of the roost (and/or demolition of the structure) shall be postponed until the qualified biologist monitoring the roost(s) determines that the young have fledged and are no longer dependent on the roost. The monitor shall ensure that all bats have left the building and or area of disturbance prior to initiation of construction and/or demolition activities. If disruption of a maternity roost cannot be avoided, a depredation permit will be required.</p>				
Cultural Resources					
Site clearing activities could encounter unknown buried archaeological resources.	Should evidence of prehistoric cultural resources be discovered during construction, work within 20 feet of the find shall be stopped to allow adequate	During construction	SLVWD and qualified archaeologist, as needed	SLVWD Manager	

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	<p>time for evaluation and mitigation by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the SLVWD, describing the testing program and subsequent results. These reports shall identify any program mitigation that the developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)</p> <p>Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Cruz County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the</p>	During construction	SLVWD and County Coroner	SLVWD Manager	

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	deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.				
Noise					
Project construction will result in temporary noise impacts that may impact the adjacent residence.	<p>Implement the following measures during construction.</p> <ul style="list-style-type: none"> -Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well-maintained. -Install superior intake and exhaust mufflers and engine enclosure panels wherever possible on gas diesel or pneumatic impact machines. -Limit construction to 7 AM-7 PM, Monday through Friday. -Eliminate unnecessary idling of machines when not in use. -Locate all stationary noise-generating construction equipment, such as portable power generators, as far as possible from the existing residence. 	During construction	Contractor retained by SLVWD	SLVWD Manager	

SAN LORENZO VALLEY WATER DISTRICT

RESOLUTION NO. (07-08)

SUBJECT: RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE RALSTON WATER TANK REPLACEMENT PROJECT.

WHEREAS, The Ralston Water Tank Replacement Project (the "Project") consists of the replacement and relocation of the Ralston Water Storage Tank generally located along Ralston Ridge Road, Boulder Creek, California; and

WHEREAS, the Project also includes the installation of approximately 1,000 lineal feet of new 8-inch water distribution mainline along Timberwood Road and;

WHEREAS, in March 2005 the District received a determination from the Santa Cruz County Planning Commission that the proposed Project was consistent with the County General Plan; and

WHEREAS, an environmental review of the Project was conducted in accordance with the requirement of the California Environmental Quality Act (CEQA) and State CEQA Guidelines; and

WHEREAS, said environmental review resulted in the preparation of an Initial Study/Mitigated Negative Declaration; and

WHEREAS, the Initial Study/Mitigated Negative Declaration identified appropriate measures to mitigate the identified impacts to a level that is less than significant; and

WHEREAS, the Initial Study/Mitigated Negative Declaration was available for public review from August 28, 2007 to September 28, 2007; and

WHEREAS, no verbal or written comments were received by the District relative to the Project; and

WHEREAS, the Board of Directors has reviewed and considered all environmental documents composing the Initial Study/Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program including public comments; and

WHEREAS, the Board of Directors finds said documents fully comply with all requirements of CEQA;

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the San Lorenzo Valley Water District as follows:

1. The Board finds that the Initial Study/Mitigated Negative Declaration was prepared pursuant to CEQA; and
2. The Board of Directors has review and considered the Initial Study/Mitigated Negative Declaration together with any comments received during the public review process prior to acting on the Project; and
3. The Board of Directors finds that, based on the whole of the record before it, including all documents and comments, there is substantial evidence the Project will not have a significant impact on the environment with the incorporation of the mitigation measures included therein; and
4. The Mitigated Negative Declaration for the Ralston Water Tank Replacement Project, incorporated by reference herein as Exhibit A, is hereby adopted; and
5. The documents which constitute the record of proceedings for approving this Project are located at the District Office, 13060 Highway 9, Boulder Creek, California; and
6. The Mitigation and Monitoring Reporting Program, incorporated by reference herein as Exhibit B, is hereby adopted.

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PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the 18th day of October 2007, by the following vote of the members thereof:

AYES:
NOES:
ABSTAIN:
ABSENT:

Brandon Barchi
District Secretary
San Lorenzo Valley Water District