RESOLUTION NO. 2836-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR CERTIFYING AN ENVIRONMENTAL IMPACT REPORT FOR THE WATER MASTER PLAN UPDATE

WHEREAS, the Town of Windsor proposes to implement the 2009 Water Master Plan Update ("Program") consisting of four phases of improvements to the existing water supply infrastructure; and

WHEREAS, the Program is located on approximately 12.83 square miles which includes the Town of Windsor and several nearby unincorporated areas of Sonoma County; and

WHEREAS, the Program is an update to the 2000 Water System Master Plan ("2000 WSMP") adopted by the Town Council on March 15, 2000. The 2000 WSMP provided long-term planning for the Town's water supply infrastructure and included recommendations for 13 capital improvement projects, of which 6 were completed. The Town developed the Program to reflect changes in future water supply and distribution needs due to actual growth and build-out patterns, which differ from the assumptions used in the 2000 WSMP. The Program recommends an updated Capital Improvement Program ("CIP") to address existing deficiencies in the water supply and delivery infrastructure and provide for planned future growth pursuant to the Town General Plan. These improvements are to be implemented in four phases over the next 25 or more years. In total, the Program includes 15 pipeline replacement or construction projects, two storage tank projects, four well projects, and several program-related studies; and

WHEREAS, the Town circulated a Notice of Preparation dated September 1, 2010 to affected public agencies, property owners, and other interested organizations and persons for consultation on the scope of the EIR. The Town Council also held a public scoping meeting on September 21, 2010; and

WHEREAS, based on the Town's preliminary analysis and on public comments on the Notice of Preparation, the Town prepared a Draft EIR dated March 2011 (SCH No. 2010092001) that reflected the independent judgment of the Town as to the potential environmental impacts of the Program. The Draft EIR was circulated for the required 45-day public review period, from March 21, 2011 through May 5, 2011. During the public review period, the Town Council also held a noticed public hearing on April 20, 2011 to accept oral comments on the Draft EIR; and

WHEREAS, the Town prepared a Final EIR dated July 2011 containing written responses to all comments received during the public review period, which responses contain revisions to the Draft EIR text, where appropriate. Revisions to the Draft EIR text are shown in Exhibit A, EIR Text Revisions, which exhibit is incorporated herein by reference. The responses provide the Town's good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, the Draft and Final EIR documents reflect the Town's independent judgment and analysis on the potential for environmental impacts and constitute the "EIR" for the 2009 Water Master Plan Update; and

WHEREAS, the Town Council considered a staff report dated September 7, 2011 analyzing the EIR and the Program, and also considered the EIR and all written and oral testimony at a public hearing on September 7, 2011 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the EIR identified significant impacts, most of which can be reduced to less than significant through mitigation measures; therefore, Program approval must include mitigation findings pursuant to CEQA section 21080 and CEQA Guidelines section 15091; and

WHEREAS, one of the significant impacts in the EIR remains significant even after mitigation; therefore, Program approval must include findings regarding alternatives pursuant to CEQA section 21002, and must include a statement of overriding considerations pursuant to CEQA Guidelines section 15093; and

WHEREAS, Program approval must include a mitigation monitoring and reporting program for significant impacts identified in the EIR pursuant to CEQA section 21081.6 and CEQA Guidelines section 15097, which program is included as Chapter 4 of the Final EIR ; and

WHEREAS, the following documents referenced in these recitals are incorporated herein by reference and are available for review at the Town Hall during normal business hours.

a. 2000 Water System Master Plan
b. 2009 Water Master Plan Update
c. 2009 Water Master Plan Update EIR (SCH No. 2010092001, Draft and Final EIR documents)
d. September 7, 2011 staff report

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. Recitals. The foregoing recitals are true and correct and made a part of this resolution.

B. EIR Certified. The Town Council hereby certifies as follows.

1. The EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and the Town of Windsor Environmental Guidelines.

2. The EIR was presented to the Town Council, who reviewed and considered the information therein prior to taking action on the 2009 Water Master Plan Update.

3. The EIR reflects the Town's independent judgment and analysis as to the potential environmental impacts of approving and implementing the 2009 Water Master Plan Update.

C. Exhibits. Attached Exhibit A is incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 7th day of September 2011, by the following vote:

AYES:	**COUNCILMEMBERS GOBLE, SCHOLAR AND VICE MAYOR FUDGE**
NOES:	**COUNCILMEMBER SALMON**
ABSTAIN:	**NONE**
ABSENT:	**MAYOR ALLEN**

Debra Fudge

DEBORA FUDGE, VICE MAYOR

ATTEST:

María De La O

MARIA DE LA O, TOWN CLERK

Attachments:
Exhibit A: EIR Text Revisions

EXHIBIT A

EIR Text Revisions

Chapter 2 of the Final EIR contains comments received on the Draft EIR and the Town's responses to the comments. Several of the responses incorporated revisions and clarifications to the Draft EIR text as suggested by the commentors. For easier reference, this Exhibit A excerpts the actual text revisions from the Final EIR Chapter 2 responses. Further revisions not shown in Final EIR Chapter 2 are also included. Text changes that have been made to the EIR are shown below. A revised Executive Summary, which reflects these changes is presented in Chapter 3 of the Final EIR. Text that has been deleted is shown in ~~strikethrough~~, and text that has been inserted is shown in underline.

Special-status plant species Table 3.4-1 has been updated to more accurately reflect the potential for occurrence of the many-flowered navarettia (*Navarretia leucocephala plieantha* (listed on page 3.4-8), dwarf downingia (*Downingia pusilla*) (page 3.4-14), and seaside tarplant (*Hemizonia congesta congesta*) (page 3.4-15) as "present". The text on those pages has been revised as follows:

Navarretia leucocephala ssp. *plieantha* many-flowered navarretia	FE SE 1B.2	Occurs in volcanic ash flow vernal pools. Known from LAK and SON counties from approximately seven occurrences between 30-950 meters. This taxon is state-listed as *N. plieantha* and it rarely intergrades with ssp. *pauciflora.*	May-June annual herb	Potential vernal pools in non-native annual grassland habitat within the Program Area could provide suitable habitat for this species. This species has been documented within all the service areas in the Program Area.~~No suitable habitat for this species present within the Program Area.~~	Present. ~~None~~
Downingia pusilla dwarf downingia	None CEQA 2.2	Mesic sites in valley and foothill grassland and vernal pools. Known from MER, MPA, NAP, PLA, SAC, SOL, SON, STA, THE, and YUB counties between 1-445 meters.	March-May annual herb	Annual grassland and vernal pool habitat within the Program Area could provide suitable habitat for this species. This species has been documented within the Windsor Service Area of the Program Area.~~No suitable habitat for this species present within the Program Area.~~	Present. ~~None~~

EXHIBIT A

Hemizonia congesta ssp. congesta Pale yellow hayfield tarplant [seaside tarplant]	None CEQA 1B.2	Valley and foothill grassland/sometimes roadsides. Known from MEN, MRN, SFO, SMT, SON between 20-560 meters.	April-November annual herb	Non-native annual grassland habitat within the Program Area could provide suitable habitat for this species. This species has ~~not~~ been documented within the Airport and Windsor Service Areas of the Program Area.	Present. ~~Possible~~

The entry for the California linderiella on Table 3.4-2 on page 3.4-22 has been revised as follows:

California linderiella *Linderiella occidentalis*	--	--	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	~~No s~~Suitable habitat for this species has been documented ~~present~~ within the Program Area. Individuals of this species have been documented within the Windsor Service Area.	Present ~~None~~

The entry for the California freshwater shrimp in Table 3.4-2 on page 3.4-22 has been revised as follows:

California freshwater shrimp *Syncaris pacifica*	FE	SE	Low elevation, low gradient ~~perennial~~ streams with undercut banks where riparian cover is moderate to heavy in Marin, Sonoma and Napa counties. Appropriate stream habitat has sand and gravel substrate with some mud, silt, and organic debris.	~~No perennial stream habitat is found within the Program Area~~ Pruitt Creek in Program Area has the potential to support this species.	Possible ~~None~~

The entry for Central California Coast steelhead in Table 3.4-2 on page 3.4-24 of the Draft EIR has been revised to indicate that potential for occurrence is "Present", not "~~Possible~~"; the word "not" has been stricken from the column indicating habitat suitability and local distribution as follows:

> Stream habitat within the Program Area could provide suitable habitat for this species. This species has ~~not~~ been documented within the Program Area.

Table 3.4-2 on page 3.4-27 has been revised as follows:

Burrowing owl *Athene cunicularia*	--	CSC	Open grasslands, prairies, farmlands, and deserts.	Suitable habitat for this species is present within non-native annual grassland, oak woodlands, and agricultural lands within the Program Area.	Possible

Under the heading WM-1, the fifth sentence in the first full paragraph on page 3.4-56 is revised as follows:

> It is unlikely that Pool Creek in the area of the project site supports habitat for special-status species, such as Western pond turtle, Giuliani's dubiraphian riffle beetle, or California freshwater shrimp ~~salmonid fish species~~.

Under the heading WM-1, the following text is added before the last sentence in the first full paragraph on page 3.4-56:

> The reach of Pool Creek near the Pleasant Avenue crossing does not provide summer or fall rearing habitat for salmonid species. However, the area may provide spawning habitat for a limited amount of time during the winter, and migration habitat for adult steelhead that are known to spawn upstream closer to the creek's headwaters. Additionally, this reach provides downstream migration passage for spawned-out adult steelhead, smolts, and juveniles moving out of the area prior to it drying out (Stillwater Sciences 2011).

The following text is added on page 3.4-56 after the third sentence in the second paragraph under the heading WM-11:

> Suitable winter and summer habitat of California freshwater shrimp is present in Pruitt Creek surrounding the Faught Road crossing. However, the stream gradient appears to be higher than this species generally prefers (Stillwater Sciences 2011).

The following text is added on page 3.4-56 before the last sentence in the second paragraph under the heading WM-11:

> Good quality spawning and rearing habitat for steelhead is present in Pruitt Creek at the Faught Road crossing. During a survey conducted on May 26, 2011, age 1+ and 2+ steelhead/rainbow trout were observed, which indicates rearing habitat conditions are of good enough quality to maintain multiple age classes of salmonids in this creek reach (Stillwater Sciences 2011).

On page 3.4-57 of the Draft EIR, the last sentence of the introduction to the impact analysis (Section 3.4.4) has been deleted as follows:

> ~~As no Program activities are proposed within the Airport Service Area, the following impacts discussion does not include this Service Area.~~

The second sentence of Mitigation Measure BIO-1 on page 3.4-59 of the Draft EIR has been revised as follows:

> The federally listed plant species occurring on the Santa Rosa Plain are Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, seaside tarplant, dwarf downingia, and many-flowered navarretia.

Table 3.4-4 on page 3.4-60 of the Draft EIR has been revised to include the following entries:

Downingia pusilla Dwarf downingia	Occurs in vernal pools in annual grassland habitat.	March-May
Hemizonia congesta Seaside tarplant	Occurs in annual grassland habitat.	April-November
Navarretia leucocephala plieantha Many-flowered navarettia	Occurs in vernal pools in annual grassland habitat.	May-June

Text on page 3.4-65 of the Draft EIR has been revised to add the following to the end of Impact BIO-2:

> Potential nesting and foraging habitat for burrowing owls currently exists within the following proposed Phase 1 project sites: *WM-1* and *WM-11*, and the two proposed tank sites *ST-1* and *ST-1 Alternative*. This species could nest in these areas during construction of the proposed projects. This species has not been documented within the Program Area, but has been documented in the general vicinity of the Program Area in the CNDDB (CDFG 2010). If burrowing owls are present within a project construction zone, or adjacent to such an area, construction during the breeding season could result in the incidental loss of eggs or nestlings, or otherwise lead to nest abandonment. The loss, directly or indirectly through nest abandonment or reproductive suppression, of occupied burrowing owl habitat (habitat known to have been occupied by owls during the nesting season within the past 3 years) or reductions in the number of this rare species would constitute a significant impact. Furthermore, burrowing owls and their nests are protected under both federal and state laws and regulations, including the MBTA and DFG Section 3503.5.

The following text has been added to page 3.4-65 of the Draft EIR at the end of Mitigation Measure BIO-4:

> For construction areas containing suitable burrowing owl habitat, and in conformance with federal and state regulations regarding the protection of raptors and the protocols established by the California Burrowing Owl Consortium (1993), a preconstruction survey for burrowing owls shall be completed within a 250-foot buffer around the construction site, in conformance with CDFG guidelines. Surveys should be conducted during the non-breeding season (September 1 through January 31), but as close as possible to the date that ground disturbing activities will begin. Initial surveys should be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed seven (7) days. If no burrowing owls are located during these surveys, no additional action would be warranted. However, if breeding or resident owls are located on or immediately adjacent to the site, the following measures shall be implemented.

- No burrowing owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.
- A 250-foot buffer, within which no new activity would be permissible, would be maintained between project activities and nesting burrowing owls. This protected area would remain in effect until August 31 or at the CDFG's discretion (based upon monitoring evidence), until the young owls are foraging independently.
- A 160-foot buffer, within which no new activity would be permissible, would be maintained between project activities and burrowing owl burrows during the non-breeding season.
- If accidental take (disturbance, injury, or death of owls) occurs, the DFG would be notified immediately.

Text on page 3.4-66 of the Draft EIR has been expanded to include the following at the end of Mitigation Measure BIO-5:

- If a preconstruction survey finds that burrowing owls occupy the project site, and it is not feasible to avoid construction of aboveground facilities in occupied areas, then habitat compensation on off-site mitigation lands shall be implemented by either purchasing credits from a mitigation or conservation bank approved by CDFG or providing for permanent protection and management of habitat management lands.

The reference to mitigation measures at the end of Impact BIO-3 on page 3.4-66 has been revised as follows:

> The implementation of the Mitigation Measures BIO-24 *Protection of Special Status Species during Installation of Pipelines,* HAZ-1 *Spill Prevention and Response Plan,* HYD-1 *Obtain Coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity and Implement Best Management Practices during Construction* and HYD-2 *Prepare and Implement a Drilling-Contingency (or "Frac Out") Plan during Drilling* in Chapters 3.8 *Hazards and Hazardous Materials,* and 3.9 *Hydrology and Water Quality* would reduce these impacts to a less than significant level.

A new mitigation measure was added to Impact BIO-3 and referenced in Impact BIO-12. The following mitigation measure is added to page 3.4-67:

> ***Mitigation Measure BIO-24: Protection of Special-Status Species during Installation of Pipelines***
>
> - For installation of pipeline projects which would cross creek channels, the Town shall evaluate the feasibility of suspending the pipe beneath the existing bridge to avoid impacts on aquatic and riparian habitats utilized by special-status species, such as salmonids and California freshwater shrimp. If this installation method is infeasible, the Town shall consult with CDFG, USFWS, and NMFS to ensure the pipe would prevent alterations to shallow subsurface creek flow and provide adequate clearance for natural geomorphic changes in the streambed, such as scour and channel migration. The Town shall conduct a hydrologic scour analysis to determine the appropriate depth for pipe installation that would avoid or minimize potential impacts on aquatic and riparian habitat. Based on the study, the pipe shall be installed an additional two (2) feet below the area of hydraulic influence. The Town

shall also implement avoidance and mitigation measures issued by state and federal regulatory agencies as part of project permitting.

- Construction activities for pipelines creek crossings shall only occur during the dry season (May 15 – October 15) and during daylight hours.

The last sentence under Impact BIO-4 and Mitigation Measures BIO-6 and BIO-7 on pages 3.4-67 and 3.4-68 of the Draft EIR are revised as follows:

Construction of Program and Phase 1 Facilities within suitable aestivation habitat for CTS ~~(*ST-1 and ST-1 Alternative*), and within riparian corridors surrounding projects *WM-2, WM-3,* and *WM-4,*~~ could result in the direct loss of these habitats, however none of the Phase 1 facilities is located in areas that are currently considered to provide CTS habitat. If this species is present in a Program or Phase 1 Areas, construction could result in the loss of individuals, which would constitute a significant impact.

Implementation of the following mitigation measures would reduce this impact to a less than significant level during Program and Phase 1 activities.

Level of Significance: Less than Significant with Mitigation; Program and Phase 1 projects

Mitigation Measure BIO-6: Avoid Habitat for California Tiger Salamander

During project design, the Town would consult the updated Enclosure 1 from the Programmatic Biological Opinion to obtain current information on known CTS breeding sites. Areas in the "No Effect" area or greater than 1.3 miles from a known breeding site would not have the potential to adversely affect CTS or habitat and no further mitigation would be required.

For Program projects identified within the Santa Rosa Plan Conservation Strategy Study Area and outside the "No Effect" area, or within 1.3 miles of known CTS aquatic breeding sites, and where construction would take place in terrestrial natural habitats~~, (i.e., *ST-1, ST-1 Alternative, WM-2, WM-3, WM-4*)~~ the Town shall either assume presence or retain a qualified biologist to conduct surveys to determine whether potential habitat for California tiger salamander would be directly or indirectly affected by construction activities. Surveys shall follow the USFWS protocol developed for the SRPCS:

http://www.fws.gov/sacramento/es/santa_rosa_conservation_strategy.htm

For areas where presence is assumed, terrestrial natural habitats would be considered to be potential upland dispersal habitat and suitable aquatic habitat would be considered as breeding habitat. Standing bodies of fresh water that typically support inundation during winter and early spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall would be considered suitable breeding habitat.

If burrows or other suitable aestivation habitat are present where construction activities are proposed, construction shall be scheduled to avoid the CTS migration and breeding season (October 15 – June 30). If work must be completed during the migration season, barrier fencing shall be installed to exclude CTS from construction areas. For any construction sites within 1.3 miles of a breeding site, fencing with one-way ramps shall be installed to exclude CTS from entering the project site and to allow the CTS that are on site to move into adjacent habitat. The size of the exclusion area shall be determined in consultation with the CDFG and USFWS. ~~During the migration season, exclusion areas would be limited to aquatic breeding~~

~~sites and upland areas immediately adjacent to the aquatic habitat.~~ During the non-breeding (aestivation) season of this species (July – October 14), potential aestivation sites shall be avoided in the construction area. Grading and clearing activities at the project site shall be conducted between April 15 and October 14. ~~Where avoidance is not feasible,~~ For projects that assume presence of CTS, or where surveys determine that CTS are present, Mitigation Measure BIO-7 shall be implemented.

Mitigation Measure BIO-7: ~~Conduct Protocol-Level Surveys~~ Compensation for Impacts to California Tiger Salamander

If California tiger salamander presence is determined or assumed, consultation with the USFWS and CDFG shall be required. The general mitigation guidelines associated with the Programmatic BO for California tiger salamander in the Santa Rosa Plain summarized in Section 3.4.2 above, shall be implemented under the direction of USFWS and CDFG. This mitigation may involve options to implement the SRPCS, including support of conservation areas, establishment of preserves, translocation, habitat improvement, preserve management, and adaptive management.

Final compensation requirements and mitigation ratios for impacts associated with the Proposed Program shall be determined through consultation with the USFWS and CDFG.

The last sentence in Mitigation Measure BIO-10, on the top of Page 3.4-71 of the Draft EIR and on page 9 of the Mitigation Monitoring and Reporting Program is revised as follows:

Where avoidance is not feasible, Mitigation Measures BIO-11~~2~~ and BIO-12~~3~~ shall be implemented.

Text beginning on Page 3.4-71 of the Draft EIR is updated as follows:

Impact BIO-8: Construction Impacts on Invertebrates, including Giuliani's Dubiraphian Riffle Beetle, California Linderiella, and California Freshwater Shrimp

Giuliani's Dubiraphian Riffle Beetle

Giuliani's dubiraphian riffle beetle is on the state Watch List. Its habitat is located within stream channels and adjacent vegetated areas. Phases 2–4 of the Proposed Program would not involve the construction of any facilities that would take place within potential habitat for the Giuliani's dubiraphian riffle beetle. Therefore, at the Program level, no impacts to this species are anticipated.

Several Phase 1 facilities (*ST-1 Alternative, WM-1,* and *WM-11*) are proposed in areas with potentially suitable habitat for the Giuliani's dubiraphian riffle beetle. Direct impacts to this species could occur through crushing of individual or small populations of this species during ground disturbing activities within stream channels and adjacent vegetative communities during construction activities. Indirectly, this species could be impacted by alteration of its preferred habitat by construction activities and by siltation in stream channels due to construction activities immediately adjacent to or in close proximity to stream courses. The implementation of the mitigation measures below would reduce impacts to a less than significant level.

Implementation ~~of the following~~ mitigation measures BIO-13 and BIO-14 would reduce ~~Phase 1~~ impacts to this species to a less than significant level.

California Linderiella

The California linderiella has been documented within the Program Area by the CNDDB (CDFG 2010). There are known occurrences documented in Windsor Creek, located north of the proposed Phase I project *W-1* and south of proposed Phase 2 project *WM-10*. Seasonal wetlands and vernal pools within the Program Area, including within the Airport Service Area, may provide habitat for this species. Construction of proposed facilities during the proposed Program could result in mortality of this invertebrate species, or destruction of their required habitat. Because this species and their habitat have declined substantially throughout their range, this impact would be considered significant.

Implementation of Mitigation Measure BIO-13 and BIO-18 through BIO-20 would reduce this impact to a less-than-significant level.

California Freshwater Shrimp

California freshwater shrimp (CFWS) inhabit low gradient (generally <1%), low elevation <116 meters (<380 feet) alluvial streams within Sonoma, Marin, and Napa counties (USFWS 1998). Preferred summer habitat conditions include pools that are 30–91 cm (1–3 ft) deep, with stable undercut banks, exposed roots, overhanging vegetation (e.g., blackberries, willows, sedges), and woody debris. During the winter, CFWS will occupy deep undercut banks with complex root structures to escape high winter flow and high suspended sediment concentrations. CFWS appear to tolerate warm water temperatures exceeding 23°C (73°F) and seasonal no flow conditions (i.e., isolated pools during summer and early fall dry periods) that are fatal to native salmonids (USFWS 1998).

CFWS are not identified by the CNDDB as occurring within the Program Area (CDFG 2010). A habitat assessment of Pool Creek at the crossing of Pleasant Avenue determined that no summer or winter habitat for CFWS is present (Stillwater Sciences 2011). However, a habitat assessment of Pruitt Creek at the crossing of Faught Road determined that appropriate winter and summer habitat for CFWS are present, and the creek has the potential to support CFWS (Stillwater Sciences 2011).

Proposed pipeline installation project *WM-11* would cross Pruitt Creek, which may support CFWS. This pipeline would be installed by hanging the pipe under the existing bridge crossing or using a trenchless construction method, such as directional drilling (see also Impact HYD-1). Trenchless construction methods require the use of drilling fluids, such as bentonite slurry, which is inert clay mixed with water. Improper handling and/or discharge of drilling fluids, if used, could significantly impact water quality and aquatic species. Drilling fluids could also be released to stream channels supporting CFWS in the event of an inadvertent release or "frac-out" during drilling. A frac-out can occur if the pressurized drilling fluid travels upward through the substrate and is released to the ground surface or water column (if drilling is conducted under an actively flowing water body). A release such as this can smother streambed habitat and increase turbidity and suspended sediments in the water column. This would constitute a potentially significant impact on CFWS. However, implementation of Mitigation Measures BIO-24 and HYD-2, which requires the preparation and implementation of a frac-out

contingency plan (if drilling fluids under pressure are used) and appropriate management of drilling fluids, would reduce this potential impact to a less-than-significant level.

Construction of Program facilities could result in ground disturbance that could potentially cause soil erosion, subsequently resulting in sediment transport and delivery to streams that support CFWS. In addition, accidental spills of toxic chemicals could occur while operating or storing construction equipment. The deposition of excessive fine sediment in stream channels could reduce or eliminate potential habitat and aquatic vegetation. Although it is unlikely, refueling, operating, and storing construction equipment could result in accidental spills of toxic chemicals, such as concrete, sealants, petroleum products (fuel, oil, hydraulic fluid, boring fluids), and paint, into waterways. Pollutants (i.e., sediment and toxic chemicals) entering waterways could impact CFWS populations and their habitat.

Development and implementation of a spill prevention and control program (Mitigation Measure HAZ-1, as described in Chapter 3.8), and obtaining and complying with a NPDES Construction General Permit (Mitigation Measure HYD-1, as described in Chapter 3.9) would reduce these impacts to a less-than-significant level. Per these mitigation measures, construction-site best management practices (BMPs) governing the operation and storage of construction equipment would be implemented to minimize or avoid the potential for accidental spills of toxic chemicals. These BMPs would also be implemented for construction activities occurring in drainage channels and ditches that do not directly support CFWS, but that convey runoff downstream to habitats where the species or their habitat may be present. Applicable BMPs include isolation of in-water work areas from flowing water, and limiting construction to the dry season. The details of these measures would also be submitted to the CDFG with applications for Streambed Alteration Agreements, to USFWS and NMFS as part of ESA consultations, and to the RWQCB with applications for Section 401 Water Quality Certification for specific project activities conducted in or under stream courses, before construction begins.

Implementation of Phase 1 project *WM-11* could cause indirect impacts to CFWS (see above). However, as discussed previously, Mitigation Measures BIO-24, HAZ-1, HYD-1, and HYD-2 (discussed in Ch. 3.8 *Hazards and Hazardous Materials* and Ch.3.9 *Hydrology and Water Quality* chapters) would reduce potential impacts to a less than significant level.

Level of Significance: Less than Significant with Mitigation; Program and Phase I projects

Mitigation Measure BIO-13: Avoid Habitat for the Giuliani's Dubiraphian Riffle Beetle and California Linderiella

For construction of Phase 1 facilities *ST-1 Alternative, WM-1*, and *WM-11*, the Town shall retain a qualified biologist to conduct surveys to determine whether potential habitat for the Giuliani's dubiraphian riffle beetle shall be directly or indirectly affected by construction activities during Program activities. If potential habitat is found, the Town shall avoid the habitat by establishing a buffer zone or by redesigning the work activity to take place outside of potential habitat. The sizes of the buffer zone shall be determined in consultation with the CDFG, but shall be 50

feet at a minimum. Where avoidance is not feasible, Mitigation Measures BIO-~~1415~~ shall be implemented.

Prior to implementation of proposed Program activities in areas that could contain habitat for California linderiella, the Town shall retain a qualified biologist to conduct surveys to determine whether vernal pools or seasonal wetlands will be directly or indirectly affected by construction activities. If potential habitat for this species is found, the Town shall avoid any habitats that may support this species by establishing a buffer zone for each resource. The size of buffer zone shall be determined in consultation with the CDFG. Additionally, Mitigation Measures BIO-18 through 20, which require avoidance of wetland habitats would ensure avoidance of impacts on California linderiella.

Mitigation Measure BIO-14: Conduct Pre-Construction Surveys for and Minimize Impacts on the Giuliani's Dubiraphian Riffle Beetle

Pre-construction surveys for this species in suitable aquatic habitat shall be conducted by a qualified biologist immediately prior to the start of construction activities. If beetles are located within the construction area, the beetles shall be relocated out of this area.

Mitigation Measure BIO-24: Protection of Special-Status Species during Installation of Pipelines

See Impact BIO-3.

Mitigation Measure HAZ-1: Spill Prevention and Response Plan

See Impact HAZ-1 in Chapter 3.8.

Mitigation Measure HYD-1: Obtain Coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity and Implement Best Management Practices during Construction

See Impact HYD-1 in Chapter 3.9.

Mitigation Measure HYD-2: Prepare and Implement a Drilling-Contingency (or "Frac-out") Plan during Drilling

See Impact HYD-1 in Chapter 3.9.

Mitigation Measures BIO-18 through BIO-20

See Impact BIO-13 below.

Mitigation Measure BIO-17 on page 3.4-75 of the Draft EIR is revised as follows:

Mitigation Measure BIO-17: Conduct Pre-Construction Surveys for American Badgers and Avoid Impacts to American Badgers.

Prior to implementing a construction project within potential habitat for this species (*ST-1, ST-1 Alternative, ST-2,* and *WM-11*), a qualified biologist shall conduct a pre-construction survey of the project disturbance zone and areas immediately adjacent to the disturbance zone to determine if potentially active or known active den sites are present. If potential dens are found during pre-construction surveys and cannot be avoided, a qualified biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction. If the qualified biologist determines that potential dens may be active and cannot be avoided, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance activities. The den entrances shall be blocked to an incrementally greater degree over the

three to five-day period. After the qualified biologist determines that badgers have stopped using active dens, the dens shall be hand-excavated with a shovel to prevent re-use during construction. All den exclusion activities shall take place between September 1 and January 1.

The first paragraph in the discussion of Impact BIO-12 on page 3.4-75 has been revised as follows:

Construction of Program facilities could result in ground disturbance that could potentially cause soil erosion, subsequently resulting in sediment transport and delivery to streams that support special-status fish species. In addition, accidental spills of toxic chemicals could occur while operating or storing construction equipment. Proposed pipeline installation projects *WM-1* and *WM-11* would cross stream channels of Pool Creek and Pruitt Creek, respectively, which are known to support salmonids. These pipelines would be installed by hanging the pipe under the existing bridge crossing or using a trenchless construction method, such as directional drilling (see also Impact HYD-1). Trenchless construction methods require the use of drilling fluids, such as bentonite slurry which is inert clay mixed with water. Improper handling and/or discharge of drilling fluids, if used, could significantly impact water quality and special-status fish species. Drilling ~~Boring~~ fluids could also be released to stream channels supporting special-status fish species in the event of an inadvertent release or "frac-out" during drilling. A frac-out can occur if the pressurized drilling fluid travels upward through the substrate and is released to the ground surface or water column (if drilling is conducted under an actively flowing water body). A release such as this can smother streambed habitat and increase turbidity and suspended sediments in the water column. This would constitute a potentially significant impact on special-status fish habitat. However, implementation of Mitigation Measure HYD-2, which requires the preparation and implementation of a frac-out contingency plan (if drilling fluids under pressure are used) and appropriate management of drilling fluids, would reduce this potential impact to a less-than-significant level. Also see discussion of potential effects on special-status fish migration seasons in Impact BIO-3 ~~during the placement of water pipeline under stream channels. Proposed projects WM-1 and WM-11 would cross stream channels~~.

The last paragraph of Impact BIO-12 on page 3.4-76 is revised as follows:

Construction of Phase 1 facilities could result in similar impacts to those described above. Specifically, construction of the *ST-1 Alternative* project would result in direct permanent impacts to an ephemeral stream channel. However, this stream does not currently support special-status fish species populations or habitat, and no direct impacts to these species would occur. Implementation of Phase 1 projects *WM-1* and *WM-11* could, however, cause indirect impacts to special-status fish species in Pool Creek and Pruitt Creek. As stated in the setting section for the proposed Phase 1 projects, projects *WM-1* and *WM-11* would cross creeks which support habitat for salmonids, specifically steelhead. Pool Creek in the Program Area provides migratory and limited spawning habitat when the channel is flowing in the wet season. Pruitt Creek in the Program Area provides good quality spawning and rearing habitat for steelhead. However, as discussed previously, Mitigation Measures HAZ-1, ~~and~~ HYD-1, and HYD-2 (discussed in the *Hazards and Hazardous*

and *Hydrology and Water Quality* chapters) would reduce potential impacts to a less than significant level.

Reference to the following mitigation measures has also been added on page 3.4-76:

Mitigation Measure HYD-2: Prepare and Implement a Drilling-Contingency (or "Frac-out") Plan during Drilling

See Impact HYD-1 in Chapter 3.9.

Mitigation Measure BIO-24: Protection of Special-Status Species during Installation of Pipelines

See Impact BIO-3

The following text changes have been made to Chapter 4, Section 4.5.3 *Cumulative Impacts*, starting on page 4-8:

Cumulative Impact AES-1: Degradation of Visual Character or Quality

Construction of the Proposed Program would temporarily degrade the visual character or quality of scenic resources in the county. However, implementation of Mitigation Measure AES-~~1~~2 would ensure that staging and construction areas would be screened from view. In consideration of other construction activities in the county, the Proposed Program would not significantly contribute to cumulative visual impacts during construction.

Placement of the proposed storage tanks, buildings for groundwater wells, and fencing surrounding storage tanks and wells in view of residential areas or within scenic corridors identified by County or community plans would cumulatively contribute to degradation of the visual character or quality of the County's scenic resources. However, implementation of Mitigation Measure AES-~~1~~2 would ensure that the aboveground facilities would be designed to be consistent with the surrounding setting and not distract or significantly alter views of surrounding scenic resources. Therefore, the Program would not make a considerable contribution to this cumulative impact.

Cumulative Impact BIO-1: Effects on Biological Resources

Implementation of projects other than the Proposed Program that are currently proposed, and are likely to occur in the reasonably foreseeable future, have the potential to cumulatively impact biological resources in the general area of the Proposed Program. Concurrent construction of the Proposed Program with other projects in the county could result in temporary impacts on biological resources in the Program Area.

The Proposed Program and Phase 1 projects have the potential to impact a variety of biological resources, including the following:

- Special-status plant species
- Special-status avian species
- California tiger salamander
- Western pond turtle
- Foothill yellow-legged frog
- California red-legged frog
- Giuliani's Dubiraphian Riffle Beetle
- Roosting and breeding special-status bat species

- American Badger
- Special-status fish species
- Wildlife corridors and native wildlife nurseries
- Freshwater wetlands and streams
- Heritage trees
- Burrowing owl
- California linderiella
- California freshwater shrimp