

MITIGATED NEGATIVE DECLARATION

March 24, 2010

Rainbow Municipal Water District (RMWD) Lift Station #2 Replacement Project

This Document is Considered Draft Until it is Adopted by the Rainbow Municipal Water District

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

Biological Resources

Direct Impacts

BIO-1

To mitigate for impacts to 0.10 acre of riparian scrub, the applicant shall provide mitigation at a 3:1 ratio, for a total of 0.30 acres of mitigation. Mitigation for impacts to riparian shall be accomplished through purchase of 0.30 acres of riparian scrub within an approved offsite mitigation bank, to the satisfaction of the Wildlife Agencies. Alternatively, if available, the applicant may purchase mitigation credits to support an existing, approved arrundo eradication and riparian habitat restoration program. The habitat shall be placed within a dedicated biological open space easement, prior to impacts occurring on the Project site.

BIO-2

A pre-construction nesting bird surveys shall be conducted by a qualified biologist if grading or clearing is planned to occur during the bird nesting season (typically from February 1 to August 31). If nesting birds are found, then an appropriate sized buffer zone should be established around the active nest until a qualified biologist determines the nest has either failed or the young have fledged from the nest. No construction will occur within the buffer zone area until the biologist determines that the buffer zone is no longer necessary.

BIO-3

A qualified biological monitor shall be present onsite prior to grading and clearing activities and during initial clearing to determine if sensitive wildlife species are present. As appropriate, the biologist may relocate such species offsite to appropriate habitat and in compliance with any applicable Federal, State, and local regulations pertaining to relocation activities.

Indirect Impacts

BIO-4

The limits of grading shall be temporarily flagged and fenced with silt fencing or construction fencing, prior to grading or demolition activities to prevent impacts to areas adjacent to the limits of grading. The barrier shall consist of silt fencing or other appropriate material and installed in a manner that wildlife species cannot pass under it.

Prior to clearing of vegetation, a qualified biologist shall inspect the location of the fence to ensure that no vegetation loss occurs from installation of the fence. The fencing shall be temporary and shall only be removed upon the completion of grading, brushing, and clearing activities.

A qualified biologist shall monitor the limits of grading during clearing, grubbing, grading and/or demolition activities. The site shall be monitored once a day during grading, grubbing, and clearing activities, and on a weekly basis once grading, grubbing, and clearing have been completed. A summary report shall be prepared and submitted to the District on a monthly basis. The biological monitor shall have the authority to halt construction activities to prevent or avoid the take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions shall be brought to the attention of the District and the Wildlife Agencies within 24 hours.

Cultural Resources

CR-1

To avoid potential impacts to known or unknown (i.e., buried) historic resources, monitoring shall be performed by a qualified archaeologist and/or Native American monitor. In the event that previously unidentified potentially significant historic resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant resources.

CR-2

To avoid potential impacts to known or unknown (i.e., buried) cultural resources, monitoring shall be performed by a qualified archaeologist and/or Native American monitor. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant resources.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and the above California Environmental Quality Act findings made by the Rainbow Municipal Water District on:

Brian Lee, District Engineer
Rainbow Municipal Water District

Date