

# **COASTSIDE COUNTY WATER DISTRICT**

**766 MAIN STREET**

**HALF MOON BAY, CA 94019**

## **SPECIAL MEETING OF THE BOARD OF DIRECTORS**

**Wednesday, February 11, 2015 - 6:00 p.m.**

### **AGENDA**

**1) ROLL CALL**

**2) PUBLIC COMMENT**

Members of the public may address the Board of Directors on the items on the agenda for this special meeting. The Chair requests that each person addressing the Board complete and submit a speaker slip, and limit their comments to three (3) minutes.

**3) CLOSED SESSION**

**A. Conference with Legal Counsel - Existing Litigation**

Pursuant to California Government Code Section §54956.9(d)(1)

Name of Case: State Water Resources Control Board, Division of Water

Rights, Coastside County Water District Permit 15882 (Application 22680), Petition for Extension of Time

**4) RECONVENE TO OPEN SESSION - 6:30 p.m.**

**A. Denniston/San Vicente Water Supply Project ([attachment](#))**

Consideration of Resolution 2015-03 Making CEQA Findings, Certifying the 2015 Denniston/San Vicente Water Supply Project Final Environmental Impact Report, Approving Mitigation Monitoring and Reporting Program, and Approving Project

**5) ADJOURNMENT**

***Accessible Public Meetings*** - Upon request, the Coastside County Water District will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, telephone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Requests should be sent to: Coastside County Water District, Attn: Alternative Agenda Request, 766 Main Street, Half Moon Bay, CA 94019.

## ***STAFF REPORT***

**To:** Coastside County Water District Board of Directors

**From:** David Dickson, General Manager

**Agenda:** February 11, 2015

Report

Date: February 9, 2015

**Subject:** Denniston/San Vicente Water Supply Project - Certification of Final Environmental Impact Report and Approval of the Project

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### **Recommendation:**

Adopt Resolution No. 2015-03 Making CEQA Findings, Certifying the 2015 Denniston/San Vicente Water Supply Project Final Environmental Impact Report, Approving Mitigation Monitoring and Reporting Program, and Approving Project.

### **Background:**

Consideration of the Denniston/San Vicente Water Supply Project Final Environmental Impact Report (FEIR) represents a significant milestone in Coastside County Water District's efforts to develop a diverse, reliable, and sustainable portfolio of water supply sources to meet the future needs of the District's customers. This staff report summarizes the proposed project, elements of the EIR process that began in 2011, comments received from interested parties and stakeholders, and some of the mitigation measures the District will incorporate into the project to address concerns raised in the comments.

### **The Project**

The District's local water source in the Denniston/San Vicente watershed has provided a significant proportion of the District's supply for more than forty years. Water Right Permit No. 15882, issued in 1969, authorizes the District to divert up to 2 cubic feet per second (cfs) each from San Vicente Creek and Denniston Creek year-round. Although operation of the Denniston Water Treatment Plant began in 1974, the District must complete some key infrastructure improvements in order to make full use of the diversions authorized by Permit 15882.

The FEIR analyzes the impacts of the following elements of the proposed project:

1. Water Right Permit 15882 petition for extension of time, which would extend the deadline for applying water to full beneficial use to December 31, 2016;
2. New diversion structure and pump station on San Vicente Creek;

3. New and upgraded pipeline between the San Vicente Creek diversion and Denniston Reservoir pump station (6,100 feet);
4. Denniston WTP capacity expansion to 1,500 gpm;
5. New Denniston treated water booster pump station;
6. New pipelines along Bridgeport Drive (3,460 feet); and
7. Expanded sediment removal from the Denniston Reservoir.

### **Environmental Impact Report Preparation**

The District initiated the Denniston/San Vicente EIR process in 2011 to evaluate the impacts of the proposed project, as mandated by the California Environmental Quality Act (CEQA). The District filed a Notice of Preparation and Initial Study in October 2011. This notice announced that the District would be the CEQA lead agency for preparation of an EIR and identified the areas of potential project impacts to be analyzed in the EIR. Several parties commented on the Initial Study:

- Montara Water and Sanitary District (MWSD) raised concerns about depletion of groundwater levels, changes to water quality, and impacts to downstream users and submitted a letter prepared by Balance Hydrologics summarizing MWSD's concerns about potential hydrological impacts.
- The Native American Heritage Commission recommended procedures to adequately comply with the provisions of CEQA in determining potential impacts to historical resources.
- The National Park Service raised concerns regarding environmental compliance and potential impacts.
- The Sierra Club commented regarding potential impacts to protected species, effects on Princeton Harbor, and impacts on San Vicente Creek.

As outlined in Section 1.4 of the FEIR, the EIR analysis addressed the issues and concerns raised during the scoping process.

The Draft Environmental Impact Report (DEIR), issued on August 19, 2014, analyzed the impacts of the proposed project, described mitigation measures for potentially significant impacts, evaluated potential alternatives to the proposed project, and concluded that, with implementation of the mitigation measures, the proposed project would have less-than-significant impacts on the environment. The District publicized the availability of the DEIR through a number of channels, and, to ensure that all interested parties had opportunities to review and comment on the DEIR, extended the comment period beyond 45 days for any commenter who submitted an extension request.

### **Draft EIR Comments**

The District received comments on the DEIR from the following organizations and individuals:

- Montara Water and Sanitary District
- National Park Service
- County of San Mateo Parks Department
- Committee for Green Foothills
- California Department of Fish and Wildlife
- Peninsula Open Space Trust
- Randy Dardanelle, Cypress Flower Farm

Comments received can be summarized as follows:

**Effects to San Vicente Creek Downstream of Proposed Project.** Comments of Montara Water and Sanitary District and others focused on the impacts of the proposed project to riparian habitat, marsh, groundwater and surface flows in San Vicente Creek downstream of the proposed project. To evaluate and address these concerns, the District asked Balance Hydrologics, Inc. (Balance) to develop additional mitigation or monitoring measures to protect groundwater and riparian habitat. In a technical memorandum dated January 29, 2015 and included as Appendix I to the FEIR, Balance specifically addressed the concerns raised by MWSD, recommending that CCWD monitor two points on San Vicente Creek downstream of the current point of compliance and only operate the San Vicente diversion when stream flows are present at both of these locations. These two monitoring points are at the Etheldore Street bridge and existing California Street stream gage station.

Based on the Balance recommendation, the District has modified Mitigation Measure 4.8-2 so that it now provides that the District will divert water from San Vicente Creek only when there are surface flows at both of these two monitoring locations. This measure will ensure that the proposed project will not significantly impact any environmental resources in or on San Vicente Creek downstream of the proposed project. With this modified mitigation measure, no additional mitigation (monitoring or formation of an adaptive management plan) is needed, because there will be flows during any time when the District is diverting water from the creek. Barry Hecht of Balance, the principal author of the January 29 technical memorandum, discussed this modified mitigation measure with Mark Woyshner, the Balance hydrologist who had reviewed the proposed project for MWSD, and confirmed to me that the modified mitigation measure will address MWSD's concerns

**Adaptive Management Plan.** Many commenters requested the District prepare an adaptive management plan with consensus-based mitigation measures agreed

upon by other local water users to mitigate the proposed project's effects on downstream water users on San Vicente Creek. With the modified mitigation measure discussed above, such an adaptive management plan is not required. The modified mitigation measure will ensure that San Vicente Creek riparian habitat, groundwater, stream flows, and diverters downstream of the proposed project will be protected regardless of outside factors such as changing groundwater conditions due to earthquakes, droughts, or new diversions from the creek.

**Downstream Wetlands and Impacts to Aquifer.** Fitzgerald Marine Reserve and Pillar Point Marsh are sensitive environmental areas located downstream of the Proposed Project, within the same groundwater basin. Concerns were raised that the proposed project's diversions would negatively impact these resources. Once again, the modified mitigation measure is key to reducing the proposed project's impacts to the aquifer and downstream wetlands to less-than-significant levels.

**Expanded Dredging.** Some commenters expressed confusion regarding where the expanded dredging on Denniston Reservoir was discussed in the Draft EIR, and voiced concerns that the dredging operations could have additional impacts to sensitive wildlife species. To clarify that dredging operations were included in the original analysis and to provide additional detail for some impacts that are more specifically related to dredging, additional discussion was added to the FEIR. None of these comments described any new or more-significant proposed project impacts due to Denniston Reservoir dredging.

**Special Status Plants and Animals.** Numerous special status animals occur in the vicinity of the proposed project area, and many commenters stated that the Draft EIR's proposed mitigation measures did not sufficiently reduce the proposed project's impacts to these special status species to less-than-significant levels. In addition, some comments were concerned that the Draft EIR's Biological Resources Assessment did not adequately survey for all listed plant and animal species.

The Biological Resources Assessment (BRA) was performed in accordance with the California CEQA *Guidelines*, the California Endangered Species Act, and California Fish and Game Code. Confusion arose from the fact that the Draft EIR proposed mitigation for only one plant species, Fragrant fritillary (*Fritillaria liliacea*). However, this was the only plant species whose presence could not be successfully ruled out by biologists. The potential presences of all other plant species in the proposed project area were ruled out through biological and botanical surveys conducted at the appropriate bloom season for each species. Therefore mitigation measures are not required for these other species. This point was clarified in the responses to comments.

Some commenters expressed concerns that additional mitigation measures were needed to protect the following sensitive wildlife species: California red-legged frog (CRLF; *Rana aurora draytonii*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), and western pond turtle (WPT; *Actinemys marmorata*). Some mitigation measures were added or amended in the Final EIR to ensure that the Proposed Project will not impact any special status wildlife species. These measures include: additional descriptions of appropriate barriers and screens to prevent wildlife from entering the diversion structure; requiring a biological monitor to be present onsite during dredging operations, consistent with the Streambed Alteration Agreement permit terms currently in place; and specifications for riparian habitat replanting. Although some mitigation measures were added or modified after receipt of public and agency comments on the Draft EIR, no new or more-significant impacts were identified by comments regarding the proposed project's impacts to special status species.

The FEIR includes the comment letters, with each comment bracketed and numbered; a response to each comment; the changes proposed to the Draft EIR text; a Mitigation Monitoring and Reporting Plan (MMRP) to be adopted by the District; and a copy of the Draft EIR with all revisions.

### **Recommended Action**

The attached Resolution describes in detail the CEQA process summarized above and contains the findings necessary for the Board to certify the Denniston/San Vicente FEIR, adopt the Mitigation Monitoring and Reporting Plan, and approve the Project. Staff recommends that the Board adopt the Resolution.

**RESOLUTION NO. 2015-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE COASTSIDE COUNTY WATER DISTRICT  
MAKING CEQA FINDINGS,  
CERTIFYING THE 2015 DENNISTON/SAN VICENTE WATER SUPPLY PROJECT  
FINAL ENVIRONMENTAL IMPACT REPORT,  
APPROVING MITIGATION MONITORING AND REPORTING PROGRAM, AND  
APPROVING PROJECT**

BE IT RESOLVED by the Board of Directors of the Coastside County Water District as follows:

1. Background Recitals. The Board of Directors finds and determines as follows:

a. The *Denniston/San Vicente Water Supply Project Draft Environmental Impact Report* (“Draft EIR”) was prepared by the Coastside County Water District (“District”) for the District’s proposed Denniston/San Vicente Water Supply Project (the “Project”) pursuant to the California Environmental Quality Act and CEQA Guidelines (collectively “CEQA”).

b. The District completed the Draft EIR and distributed copies of it to the responsible and trustee public agencies that have jurisdiction by law with respect to the Project, and to other interested persons and agencies, and invited comments from such persons and agencies.

c. There was a public review period for comments on the Draft EIR and comments were solicited from state agencies through the State Clearinghouse (SCH #2011102038).

d. Following the close of the public comment period (with the requested extensions), the District evaluated and prepared written responses to public comments and made appropriate revisions to the Draft EIR.

e. The District then prepared the *Denniston/San Vicente Water Supply Project Final Environmental Impact Report* (“Final EIR”), which consists of the following documents: the Draft EIR, Final EIR Volume I and Final EIR Volume II. Final EIR Volume I contains copies of all comments received on the Draft EIR, the responses to these comments and the District’s proposed Mitigation Monitoring and Reporting Plan. Final EIR Volume II contains the revisions to the Draft EIR.

f. The Proposed Project described in the Final EIR has the following components: (i) petition for extension of time for Water Right Permit 15882; (ii) new diversion structure and pump station on San Vicente Creek; (iii) new and upgraded pipeline between San Vicente Creek and Denniston Reservoir pump station (6,100 feet); (iv) expanded capacity of Denniston water treatment plant (WTP) up to 1,500 gallons per minute (gpm); (v) new booster pump station; (vi) new pipelines along Bridgeport Drive (3,460 feet); and (vii) expanded sediment removal program from the Denniston Reservoir. This Proposed Project is the Project described in this resolution.

g. The Final EIR describes certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the Project.

h. Under CEQA, the Board of Directors is required to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant Project-related environmental effects.

i. As demonstrated by the Findings of Fact that are attached to this resolution as Exhibit A and incorporated as part of this resolution, all of the Project's significant environmental effects will be either avoided or substantially lessened through the adoption of feasible mitigation measures.

j. The Board of Directors has determined, for reasons set forth in Exhibit A, that the alternatives to the Project described in Exhibit A are not environmentally preferable or would be less able to fully meet the Project objectives.

k. The Board of Directors has determined that the Project is feasible and meets the Project objectives.

l. The Board of Directors is required by CEQA to adopt a mitigation monitoring and reporting plan to ensure that the mitigation measures adopted by the District are actually implemented.

m. A Mitigation Monitoring and Reporting Plan for the Project has been prepared and is described in section 4.0 of Final EIR, Volume I, section 4.0 and is incorporated as part of this resolution.

n. The Final EIR for the Project has been properly completed in compliance with CEQA and has described all significant environmental effects of the Project, and there are no known potential environmental effects that are not addressed in the Final EIR. By this resolution, the Project has been modified with mitigation measures to eliminate significant impacts or to reduce such impacts to insignificant levels.

o. The Board of Directors determines it appropriate to certify the Final EIR, adopt the Findings of Fact, approve the Mitigation Monitoring and Reporting Plan, and approve the Project.

2. Findings Related to CEQA Proceedings. The Board of Directors further finds and determines as follows:

a. A Notice of Preparation ("NOP") of the Draft EIR was filed with the Governor's Office of Planning and Research on October 19, 2011 and was circulated for public comments from October 19, 2011 to November 23, 2011. Notices for the NOP were mailed to other agencies (local, State, and Federal) and to interested persons. Notices for the NOP were provided for review at the District's main office and in the Half Moon Bay Review, a newspaper of general circulation. Comments were received on the NOP and were subsequently incorporated into the Draft EIR.

b. A Notice of Completion ("NOC") and copies of the Draft EIR were distributed to the State Clearinghouse on August 19, 2014 to those public agencies that have jurisdiction by law with respect to the Project and to other interested parties and agencies. The comments of such



persons and agencies were sought, including by direct communication to agency staff. Additional copies of the Draft EIR were distributed (delivered or mailed) by the District to persons and agencies who requested them.

c. A Notice of Availability (“NOA”) was distributed to all responsible and trustee agencies, other local, State, and Federal agencies, interested groups, organizations, and individuals on August 19, 2014 for the Draft EIR. The NOA stated that the District had completed the Draft EIR and that copies were available at the Half Moon Bay Library, 620 Correas Street, Half Moon Bay; the District office, 766 Main Street Half Moon Bay; and that the document was posted on the District’s website. The notice also indicated that the official public review period for the Draft EIR would be from August 19, 2014 to October 3, 2014. The public review period was extended to commenters who requested extensions.

d. A public notice was placed in the *Half Moon Bay Review* newspaper on August 20, 2014, which stated that the Draft EIR was available for public review and comment at the places and locations identified above.

e. A copy of the NOA was posted with the San Mateo County Clerk/Recorder's Office on August 19, 2014.

f. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The official public review period began on August 19, 2014. The public review period thus ended on October 3, 2014. The review period was extended to those commenters who requested extensions, who received through November 3, 2014 to review and comment on the Draft EIR.

g. On February 2, 2015, the District distributed Responses to Comments on the Draft EIR to all commenting agencies and made the Final EIR and Responses to Comments available to the public at the District office and at the District’s website. A notice was mailed to interested persons, agencies, and organizations, and copies of this notice were posted at the San Mateo County Clerk’s Office on February 2, 2015. A notice for the Board of Directors hearing and indicating the availability of the Final EIR was placed in the *Half Moon Bay Review* newspaper on February 4, 2015.

3. The following information is incorporated by reference and made part of the record supporting this resolution:

a. The Draft and Final EIR and all documents relied upon or incorporated by reference including:

(1) California Environmental Quality Act Air Quality Guidelines, Bay Area Air Quality Management District, May 2010.

(2) Midcoast Groundwater Study Phase II, Prepared for San Mateo County Planning and Building Department by Kleinfelder, 2008.

(3) Midcoast Groundwater Study Phase III, Prepared for San Mateo County Planning and Building Department by Balance Hydrologics, Inc., 2010.

(4) San Mateo County General Plan, San Mateo County Planning and Building Department, November 1986 and all subsequent updates.

(5) San Mateo County Local Coastal Program, San Mateo County Planning and Building Division, June 1998.

(6) San Mateo County Mid-Coast Aquifers: Literature and Data Review. Prepared for the San Mateo County Board of Supervisors by Balance Hydrologics, Inc., April 2002

(7) Urban Water Management Plan for Coastside County Water District, West Yost Associates, 2010.

b. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by District staff relating to the Project.

#### 4. Certification of the Final EIR, Adoption of Findings, and Adoption of the Mitigation Monitoring and Reporting Program.

a. The Board of Directors finds, determines and certifies that: (i) the Final EIR has been completed in compliance with CEQA, (ii) the Final EIR has been presented to the Board of Directors and the Board has reviewed and considered the information and analysis contained in the Final EIR prior to approving the Project, and (iii) the Final EIR reflects the independent judgment and analysis of the Board of Directors.

b. The Board of Directors hereby adopts, approves and certifies the Final EIR.

c. The Board of Directors hereby adopts and approves the CEQA Findings of Fact attached as Exhibit A. By adopting these Findings of Fact, the Board of Directors has satisfied its obligations concerning CEQA findings, in that Exhibit A: (i) describes all feasible mitigation measures that can avoid or substantially lessen the significant environmental effects associated with the Project, and (ii) explains why the Project alternatives cannot feasibly and adequately satisfy the objectives of the Project.

d. The changes and additions to the Draft EIR made in Final EIR, Volume II, do not constitute “significant new information” within the meaning of Public Resources Code section 21.092.1 or CEQA Guidelines section 15088.5, and recirculation of the Draft EIR for public review and comment therefore is not required.

e. The Board of Directors hereby: (i) approves the mitigation measures described in the CEQA Mitigation Monitoring and Reporting Plan described in Final EIR, Volume I, section 4.0 B, (ii) adopts and approves the Mitigation Monitoring and Reporting Plan in accordance with Public Resources Code section 21081.6(a), and (iii) authorizes and directs the General Manager and District Engineer, their designees, and other appropriate District staff to implement and enforce the mitigation measures in the design, construction, operation and maintenance of the Project.

f. The Board of Directors authorizes and directs the District Secretary to prepare, sign and file a CEQA Notice of Determination within five working days following the date of adoption of this resolution with the San Mateo County Clerk and the State Clearinghouse, and directs that copies of the Final EIR be retained at the District’s office for public review.

5. Project Approval. The Board of Directors hereby approves the Denniston/San Vicente Water Supply Project and authorizes and directs the General Manager and District Engineer to complete the Project design and evaluate construction funding options. The District shall not proceed with Project financing or construction without subsequent Board approval.

PASSED AND ADOPTED by the Board of Directors of the Coastside County Water District on the 11<sup>th</sup> day of February 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
District Secretary

## Exhibit A

### I. FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED DENNISTON/SAN VICENTE WATER SUPPLY PROJECT, INCLUDING THE MITIGATION MEASURES ANALYZED AND RECOMMENDED IN THE ENVIRONMENTAL IMPACT REPORT.

The EIR for the Denniston/San Vicente Water Supply Project evaluates all potentially significant environmental impacts that could result from the approval of the Proposed Project, alternatives to the Proposed Project, and measures designed to mitigate or avoid the potentially significant impacts of the Proposed Project. This section lists all identified potentially significant or significant impacts and, where applicable, mitigation measures adopted to reduce those impacts to a less-than-significant level or avoid those impacts.

#### A. Potentially Significant Impacts that are Avoided or Reduced to a Less-than-Significant Level.

**Finding:** As authorized by Public Resources Code section 21081 and CEQA Guidelines 15091, 15092, and 15093, the District finds that, unless otherwise stated, all of the changes or alterations to the Proposed Project listed below have been required in, or incorporated into, the project which mitigate or avoid the significant or potentially significant environmental impacts listed below, as identified in the EIR, that these mitigation measures will be effective to reduce or avoid the potentially significant impact as described in the EIR, and that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the Coastside County Water District to implement or enforce. These Findings of Fact are supported by substantial evidence in the record of proceedings before the District as stated below.

1. Air Quality - Construction and operation of the Proposed Project has the potential to conflict with or obstruct implementation of the applicable air quality plan or violate any air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentration (4.2-1).

- a. Significant Impact

Construction and/or operation of the proposed project could potentially degrade the existing air quality in the region of the project site or expose sensitive receptors to substantial pollutant concentration.

- b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.2-1:

The following mitigation measures shall be implemented by CCWD to reduce construction and operational related criteria emissions:

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power seeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

2. Biological Resources – Development of the Proposed Project has the potential to impact special status species (4.3-1).

a. Significant Impact

The project site provides potential habitat for one special status plant, eight special status wildlife, and migratory bird species and other birds of prey. These species could potentially be impacted by the Proposed Project.

b. Facts in Support of Finding

The Proposed Project's significant effects to fragrant fritillary (*Fritillaria liliacea*) will be reduced to a less-than-significant level with Mitigation Measures 4.3-1a through 4.3-1c:

- (a) A qualified botanist shall conduct a focused botanical survey within the blooming period (February through April) for fragrant fritillary prior to commencement of construction activities within the coastal scrub, California annual grassland, and coastal prairie habitats. A letter report shall be prepared and submitted to the CCWD following the preconstruction survey to document the results. Should no fragrant fritillary be observed, then no additional mitigation will be required.
- (b) Should fragrant fritillary be observed during the focused botanical survey, the botanist shall contact the CCWD and the CDFW within one day following the preconstruction survey to report the findings. If feasible, a ten-foot buffer shall be established around the species using construction flagging prior to commencement of construction activities.

- (c) Should avoidance of fragrant fritillary, a CNPS-listed 1B species protected under the Native Plant Protection Act, be infeasible, the qualified botanist would salvage and relocate the individuals to an area comprised of suitable habitat in the vicinity of the project site that would not be impacted by the Proposed Project.

The Proposed Project's significant effects to Central California Coast steelhead (*Oncorhynchus mykiss irideus*) will be reduced to a less-than-significant level with Mitigation Measures 4.3-1d through 4.3-1h:

- (d) All work within the bed or on the banks of either San Vicente or Denniston Creeks shall be restricted to low-flow periods, generally between July 1 and October 15. If the channel is dry, construction may occur outside of this period.
- (e) In the event the channels are not sufficiently dry to allow work within them, water shall be diverted around the stream reach where the diversion structure is to be installed using coffer dams or other CDFW-approved methods.
- (f) Best management practices (BMPs), including but not limited to, silt screens and sediment curtains, shall be placed downstream of the construction site to prevent transport of sediments from the project area to downstream reaches of the stream.
- (g) To the extent feasible, the stream banks shall be returned to original grade slope after construction, and riparian vegetation shall be enhanced or replaced consistent with CDFW-approved methods. Bank stabilization measures, such as planting of riparian trees, the use of biodegradable jute netting, and/or hydro seeding with a native seed mix, shall be implemented to reduce potential for erosion and sedimentation within the stream channel. Replacement of directly impacted riparian vegetation shall include planting of native species in similar species composition and densities as identified within the areas immediately upstream of the POD for each creek. Propagule material shall be obtained from an approved supplier of native vegetation.
- (h) The new POD shall be screened for CRLF (see Mitigation Measure 4.3-1i).

The Proposed Project's significant effects to California red-legged frog (*Rana aurora draytonii*) and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) will be reduced to a less-than-significant level with Mitigation Measures 4.3-1i through 4.3-1x:

- (i) Removal of the existing diversion structure and construction of the new diversion structure and pump station within San Vicente Creek and within the riparian vegetation surrounding San Vicente Creek, installation of the pipeline within the riparian vegetation surrounding San Vicente Creek, and maintenance activities associated with dredging activities to maintain Denniston Reservoir shall be limited to the period of September 1 through

October 15, which is after CRLF larval development and before the breeding season.

- (j) The proposed replacement of the existing pipeline and the installation of the new pipeline within the nonnative annual grassland and all other habitats within 1.6 kilometers of aquatic features shall be limited to the period of March 15 to October 15.
- (k) An approved biological monitor shall be present on site during all construction and dredging activities. This biological monitor shall have the authority to temporarily halt construction for the protection of listed wildlife species.
- (l) New intake structures shall be equipped with a barrier to prevent CRLF juveniles or tadpoles or SFGS from being entrained. The barriers shall consist of box-like structures of a minimum size of one square foot and shall be screened with material of a mesh size not to exceed five millimeters.
- (m) To the degree cofferdams are needed and flows will be bypassed during construction, flow shall be restored to the affected stream immediately upon completion of work at that location. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches of Denniston Creek and San Vicente Creek.
- (n) During dredging activities at Denniston Reservoir, any decrease in water surface elevation (WSE) shall be controlled such that WSE does not change at a rate that increases turbidity to Denniston Creek that could be deleterious to aquatic life and/or the likelihood of stranding aquatic life in the manmade reservoir. Dredging activities shall be limited to the period of September 1 through October 15, which is after CRLF larval development and before the breeding season. An approved biological monitor shall be present during all dredging activities. CCWD shall consult with CDFW and USFWS regarding the feasibility of de-watering areas of Denniston Reservoir to be dredged and installation of CDFW-approved exclusion fencing around these areas prior to dredging. To the extent feasible, dredging shall provide for a balance of shallow and deep water habitat to enhance habitat for CRLF and SFGS.
- (o) At least 14 days prior to the onset of any construction or maintenance activities, including dredging of Denniston Reservoir, the applicant shall submit the name(s) and credentials of biologists who shall conduct activities specified in the following measures. No project activities shall begin until the applicant has received written approval from the USFWS/CDFW that the biologist(s) is qualified to conduct the work.
- (p) Upon completion of the Section 7 consultation process, the USFWS will consider if an appropriate relocation site exists in the event a need arises to relocate either of the species. The applicant would be required to obtain a biological opinion with an incidental take statement from the

USFWS in the event that the USFWS determines that the Proposed Project would result in take of CRLF. If the USFWS approves moving CRLF, the approved biologist will be allowed sufficient time to move them from the work site before work activities begin. Close biological monitoring (see Mitigation Measure 4.3-1k above) and encouraging the species to leave the work area of their own accord would be the preferred method. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF. Any SFGS found to occur shall be allowed to leave the work area of their own accord, and shall be monitored as practical by the biologist to ensure they do not reenter the work area. Furthermore, if SFGS are observed, exclusion fencing shall be considered in consultation with CDFW and USFWS to prevent the return of the SFGS.

- (q) Prior to commencement of any groundbreaking activities, all construction personnel will receive training on listed species and their habitats by an approved biologist. The importance of these species and their habitat will be described to all employees as well as the minimization and avoidance measures that are to be implemented as part of the Proposed Project. An educational brochure containing color photographs of all listed species in the work area(s) will be distributed to all employees working within the project site. The original list of employees who attend the training sessions will be maintained by the applicant and be made available for review by the USFWS and the CDFW upon request.
- (r) All BMPs prescribed by the San Mateo County planning office for work within sensitive habitat areas will be implemented to the full extent such as eliminating the use of herbicide or pesticide in a riparian area, protecting native vegetation, minimizing soil compaction, seed or plant temporary vegetation for erosion control, protect down slope drainage courses, streams, and storm drains with hay bales, temporary drainage swales, silt fences, berms or storm drain inlet filters (County of San Mateo Public Works).
- (s) Construction equipment used to remove the existing diversion structure and construct the new diversion structure and pump station along San Vicente Creek and the additional and ongoing dredging of Denniston Reservoir shall be located adjacent to aquatic habitats in upland areas with the least amount of riparian vegetation, to minimize disturbances to the maximum extent practicable.
- (t) All vehicles associated with construction and excavation activities will be clustered within designated staging areas at the end of each work day or when not in use to minimize habitat disturbance and water quality degradation.
- (u) Before vehicles move from the staging areas at the start of each work day or before they return to this location at the end of each work day, the onsite biological monitor will check under the vehicles and their tires to ensure no listed species are utilizing the equipment as temporary shelter. In addition, the qualified biologist shall inspect the vicinity of the



anticipated work area that will support the construction equipment. Any vehicle parked within the project site for more than 15 minutes shall be inspected by the biological monitor before it is moved to ensure that CRLF or SFGS have not moved under the vehicle.

- (v) Fifteen miles per hour speed limits shall be enforced while driving in the project site, including transporting excavated material to the disposal site for the dredging material associated with Denniston Reservoir to the previously identified and used disposal sites within the eucalyptus grove.
- (w) Prior to deposition of fill at the disposal site associated with the eucalyptus grove, the biological monitor shall inspect the areas to verify that CRLF or SFGS are not present. If any CRLF or SFGS are present, the excavated material shall not be placed until the individuals leave the area or unless the qualified biologist is permitted by the USFWS to capture and relocate the CRLF.
- (x) Because CRLF and SFGS may take refuge in cavity-like and den-like structures such as pipes and may enter stored pipes and become trapped, all construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected by the biological monitor for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in any way.

The Proposed Project's significant effects to Western pond turtle (*Actinemys marmota*) will be reduced to a less-than-significant level with Mitigation Measures 4.3-1y through 4.3-1bb:

- (y) Construction equipment used to remove the existing diversion structure and construct the new diversion structure and pump station along San Vicente Creek and to dewater and dredge the manmade reservoir along Denniston Creek shall be located adjacent to aquatic habitats in upland areas with the least amount of riparian vegetation, to the maximum extent practicable.
- (z) Prior to commencement of any groundbreaking activities, all construction personnel will receive training on WPT. The training will be incorporated as described for CRLF and SFGS.
- (aa) Before vehicles move from the staging areas at the start of each work day or before they return to this location at the end of each work day, the biological monitor will check under the vehicles and their tires to ensure no WPT are utilizing the equipment as temporary shelter. In addition, the qualified biologist shall inspect the vicinity of the anticipated work area that will support the construction equipment.
- (bb) Prior to commencement of daily construction or excavation activities, the biological monitor will conduct a preconstruction survey for WPT. If WPT is present, the biologist will be allowed sufficient time to move them from the work site before work activities begin.

The Proposed Project's significant effects to pallid bat (*Antrozous pallidus*) will be reduced to a less-than-significant level with Mitigation Measures 4.3-1cc through 4.3-1dd:

- (cc) If any trees are proposed for removal, a qualified wildlife biologist shall conduct a focused survey for roosting bats no more than 14 days prior to the anticipated date of tree removal. Trees that contain cavities will be thoroughly investigated for evidence of bat activity. A letter report shall be prepared and submitted to the applicant following the preconstruction survey to document the results. If the preconstruction survey determines that there is no evidence of roosts, then no additional mitigation will be required so long as construction commences within 14 days prior to the preconstruction survey.
- (dd) If special status bats are found roosting within any trees slated for removal, the areas shall be demarcated by exclusionary fencing and avoided until a qualified biologist can assure that the bats have vacated.

The Proposed Project's significant effects to dusky-footed woodrat (*Neotoma fuscipes annectens*) will be reduced to a less-than-significant level with Mitigation Measures 4.3-1ee through 4.3-1ff:

- (ee) A qualified biologist shall conduct a preconstruction survey to determine if active woodrat nests occur within a ten-foot buffer of areas to be cleared of riparian vegetation within 14 days prior to commencement of construction activities. Similar surveys shall be conducted in and immediately adjacent to the use of the existing dredge disposal sites. A letter report shall be prepared and submitted to the applicant following the preconstruction survey to document the results. If the preconstruction survey determines that there is no evidence of nests, then no additional mitigation will be required so long as construction commences within 14 days prior to the preconstruction survey.
- (ff) If woodrat nests are present and determined to be occupied, each woodrat shall be relocated to suitable habitat in consultation with the CDFW. If young are found within the nest, the nest material shall remain in its existing condition and a ten-foot buffer around the nest shall be established. No work shall occur within the ten-foot buffer until a qualified biologist determines that the young have been weaned (up to six weeks from birth), at which point the biologist should dismantle and relocate the nest to an area with suitable habitat that would not be impacted by the Proposed Project.

The Proposed Project's significant effects to migratory birds and other birds of prey will be reduced to a less-than-significant level with Mitigation Measures 4.3-1gg through 4.3-1ii:

- (gg) Should any trees be anticipated for removal, they should be removed between September 16 and March 14, which is outside of the nesting bird

season (the nesting bird season is between March 15 and September 15).

- (hh) Should removal be required outside of the dates identified in 4.3-1ff then a qualified biologist shall conduct a preconstruction survey within 14 days prior to commencement of any construction activities associated with the Proposed Project should construction be anticipated to commence during the nesting season for birds of prey and migratory birds (between March 15 and September 15). A letter report shall be prepared and submitted by the applicant following the preconstruction survey to document the results. If surveys show that there is no evidence of nests, then no additional mitigation will be required so long as construction commences within 14 days prior to the preconstruction survey.
- (ii) If any active nests are located within the vicinity of the project site, a buffer zone shall be established around the nests. A qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist should delimit the buffer zone with construction tape or pin flags within 100 feet of the active nest and maintain the buffer zone until the end of breeding season or the young have fledged. Guidance from the CDFW will be requested if establishing a 100-foot buffer zone is impractical. A letter report shall be prepared and submitted to the applicant following the preconstruction survey to document the results.

3. Biological Resources – Development of the Proposed Project has the potential to impact sensitive habitat (4.3-2).

a. Significant Impact

The CDFW and the County General Plan consider riparian habitat to be a sensitive biological community. The Proposed Project could temporarily impact up to 0.28 acres of riparian vegetation, although there are no permanent impacts to riparian habitat. Construction of the POD on San Vicente Creek will permanently impact up to 0.04 acres of aquatic habitat in San Vicente Creek, and dredging in Denniston Reservoir will permanently impact up to 0.03 acres of aquatic habitat.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measures 4.3-2a through 4.3-2d:

- (a) The applicant shall comply with the policies identified within the sensitive habitat component of the LCP and the General Plan by obtaining a CDP from the County.
- (b) The applicant shall comply with a Riparian Restoration and Monitoring Plan (RRMP). The RRMP shall include performance criteria and development standards for development permitted within the riparian vegetation.

- (c) Riparian habitat impacts shall be replaced or enhanced in the area of impact or, if infeasible, within reasonable proximity to the project site as identified in the RRMP. Examples of restoration include but are not limited to re-contouring of the creek to offset the impacts from the current inefficient diversion and the related undercutting of the stream channel which has occurred, the replanting of native vegetation to offset any unavoidable removal of trees or understory and possible measures designed to avoid further erosion and the removal of debris from both creeks and their associated riparian habitat. If additional measures are required in the State or Federal Permitting process then they shall also be followed and included in the RRMP.
- (d) To reduce the potential for off-site tracking of sediment and to eliminate the spread of invasive plant species, all construction equipment shall be inspected for seeds or plant parts before entering and leaving the site. If seeds or plant parts are found, the equipment shall be washed in the staging area.

4. Biological Resources – Development of the Proposed Project has the potential to impact waters of the United States (4.3-3).

a. Significant Impact

Construction activities associated with the Proposed Project would impact an estimated 0.04 acres of potential waters of the United States through the removal of the existing diversion structure and the construction of the new diversion structure and pump station within the manmade reservoir along San Vicente Creek. Maintenance activities associated with expanding the manmade reservoir on Denniston Creek would impact an estimate 0.03 acres, however, dredging activities within waters of the United States are not subject to Section 404 of the Clean Water Act (33 CFR 232.2(3)(i-iii)).

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.3-3a and 4.3-3b:

- (a) Unavoidable impacts to waters of the United States shall be mitigated consistent with the existing agreements between the USACE and the USEPA with an emphasis on for onsite restoration to ensure a no net loss to waters of the United States and of the state.
- (b) Avoid the 0.01 acre seasonal wetland during construction of the pipeline.

5. Biological Resources – Removal and disposal of the dredge material has the potential to impact biological resources (4.3-4).

a. Significant Impact

Two dredge disposal sites already identified as part of the District easements shall be the site of the disposal of the dredged material located at the eucalyptus groves. Use of these sites has the potential to impact biological resources because this area provides potential habitat for the CRLF, possibly the SFGS and the dusky wood rat. In addition, the material could contain contaminants that could seep into the soil.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measures 4.3-4a through 4.3-4d:

- (a) Prior to dredging, soils to be removed will be sampled and tested for contaminants. The samples shall at a minimum be tested for the following constituents: Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cobalt, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Thallium, Vanadium, and Zinc. If sampling of the dredged materials indicates that soils may constitute hazardous materials, then they shall be disposed of in accordance with corresponding California statutory regulations at an approved dredge disposal site. Recycleworks.org is a program of San Mateo County and is a guide for building contractors on how to properly dispose of hazardous materials.
- (b) Dredging shall generally be from the dam side and along the road in order to minimize impacts to the surrounding environment.
- (c) To the degree feasible the dredging shall be done in a manner that restores an upstream channel of Denniston Creek coming into the reservoir.
- (d) All dredged material will be disposed of at one of the two on-site disposal areas if sampling indicates that soils do not constitute hazardous materials.

6. Biological Resources – Development of the Proposed Project has the potential to impact trees (4.3-5).

a. Significant Impact

The project site contains trees identified within the San Mateo Significant Tree Ordinance. A permit is required for the removal of any indigenous or exotic tree with a circumference of at least 38 inches when measured at four feet vertically above the ground or immediately below the lowest branch, whichever is lower, as identified in the Significant Tree Ordinance.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.3-5:

If trees covered by the County Tree Ordinance are required to be removed, the applicant shall comply with the policies identified within the San Mateo County Significant Tree Ordinance, including an arborist report and specific mitigation including replacement planting. No trees over 38 inches are currently anticipated to be removed under this project.

7. Cultural Resources – Development of the Proposed Project may impact previously unidentified cultural resources or may disturb human remains (4.4-1).

a. Significant Impact

While unlikely, there is a possibility of encountering previously unknown archaeological resources within the Proposed Project site.

b. Facts in Support of Finding

The potential significant effect listed above will be reduced to a less-than-significant level with Mitigation Measures 4.4-1a and 4.4-1b:

(a) Should any buried archaeological material, such as flaked stone, historic debris, or human remains be inadvertently discovered during ground-disturbing activities, work should stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop treatment measures in consultation with appropriate agencies.

(b) If human remains are discovered during project construction, work will stop at the discovery location and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The San Mateo County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of prehistoric Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The most likely descendants (MLD) of the deceased will be contacted, and work will not resume until the appointed MLD has made a recommendation to the landowner or the person responsible for the excavation work for means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant fails to make a recommendation within 48 hours.

8. Greenhouse Gas Emissions – Construction and operation of the Proposed Project has the potential to result in the generation of GHG emissions, either directly or indirectly,

that may have a significant impact on the environment and conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (4.6-1).

a. Significant Impact

The Proposed Project would involve the construction of a permanent diversion structure at the location of the San Vicente Creek POD; a total of 8,760 linear feet of pipeline (6,100 linear feet of new pipeline connecting the Upper San Vicente Reservoir and the existing Denniston Pump Station located adjacent to the Denniston Reservoir, and approximately 3,460 feet of new pipeline along Bridgeport Drive); plant upgrades to increase the throughput capacity of Denniston Water Treatment Plant to 1,500 gallons per minute (gpm); and a new Booster Pump Station located adjacent to the existing Denniston Pump Station. Construction and operational emissions would be 143.84 MT in the first year, which is less than the BAAQMD operational threshold of 1,100 MT per year.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.6-1:

Implement Mitigation Measure 4.2-1, which would reduce project-related GHG emissions by three percent.

9. Hazards and Hazardous Materials – Equipment used during grading and construction activities may create sparks, which could ignite dry grass on the project site (4.7-1).

a. Significant Impact

During construction, the use of power tools and acetylene torches may increase the risk of fire hazards on the project site. This risk, similar to that found at other construction sites, is potentially significant.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measures 4.7-1a and 4.7-1b:

(a) During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.

(b) Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

10. Hazards and Hazardous Materials – Construction of the Proposed Project would include the routine storage and handling of hazardous materials, which could result in a public health or safety hazard from the accidental release of hazardous materials into the environment (4.7-3).

a. Significant Impact

During grading and construction activities it is anticipated that limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, etc. would be brought to the project staging areas. Temporary storage units (bulk above-ground storage tanks, 55-gallon drums, sheds/trailers, etc.) would likely be used by various contractors for fueling and maintenance purposes. As with any liquid and solid, the handling and transfer between one container to another has the potential for an accidental release.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.7-2:

Personnel shall follow written Standard Operating Procedures (SOPs) for filling and servicing construction equipment and vehicles. The SOPs, which are designed to reduce the potential for incidents involving the hazardous materials, shall include the following:

- Refueling shall be conducted only with approved pumps, hoses, and nozzles;
- Catch pans shall be placed under equipment to catch potential spills during servicing;
- All disconnected hoses shall be placed in containers to collect residual fuel from the hose;
- Vehicle engines shall be shut down during refueling;
- No smoking, open flames, or welding shall be allowed in refueling or service areas;
- Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill;
- Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents;
- Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, State, and Federal regulations;
- All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance and refueling areas shall be inspected monthly. Results of inspections shall be recorded in a logbook that would be maintained on site; and
- The amount of hazardous materials used in project construction and operation shall be consistently kept at the lowest volumes needed.



11. Hazards and Hazardous Materials – Sediment removal activities associated with the Proposed Project could create a significant hazard through upset and accident conditions involving the release hazardous materials into the environment (4.7-4).

a. Significant Impact

The sediment removal program would require the dredging, excavation, and disposal of soil / sediment from the Denniston Reservoir. Although an ongoing sediment removal program is currently authorized by the CDFW through a Streambed Alteration Agreement (SAA), the potential exists for the release of contaminants potentially located in the sediment within the Denniston Reservoir. Improper disposal of this material would result in a potentially significant impact.

b. Facts in Support of Finding

This impact is discussed in Section 4.3, Biological Resources, and is reduced to a less-than-significant level through implementation of Mitigation Measures 4.3-4a through 4.3-4d.

12. Hydrology and Water Quality – Construction activities may substantially degrade surface water and/or groundwater quality (4.8-1).

a. Significant Impact

Disturbed areas, stockpiled soils, and sediment exposed to winter rainfall could lead to sediment discharge into surface waters, resulting in a degradation of water quality. In addition, construction equipment and materials have the potential to leak, thereby discharging additional pollutants into local waterways. Pollutants potentially include particulate matter, sediment, oil, and grease in addition to construction supplies such as concrete, paint, and adhesives. Changes to drainage patterns, resulting from construction activities, could result in discharge of these pollutants into surface waterways, causing an exceedance of water quality objectives which could adversely impact beneficial uses of downstream water resources.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.8-1:

CCWD shall comply with the SWRCB NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). The SWRCB requires that all construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act. To comply with the NPDES permit, prior to construction the applicant shall file a Notice of Intent with the SWRCB and prepare a Storm Water Pollution Prevention Plan (SWPPP), which includes a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous

spills); a description of the type and location of erosion and sediment control best management practices (BMPs) to be implemented at the project site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Proposed Project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to, and throughout, the rainy season. Water quality BMPs identified in the SWPPP shall include, but are not limited to, the following:

- Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas. No disturbed surfaces will be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by the detention basin, onsite sediment traps, or other appropriate measures.
- A spill prevention and countermeasure plan shall be developed which would identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite. The plan would also require the proper storage, handling, use, and disposal of petroleum products.
- Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and to the immediate area required for construction. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation will be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion.
- Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Store, cover, and isolate construction materials, including topsoil and chemicals, to prevent runoff losses and contamination of groundwater.
- Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. Re-use of topsoil for restoration of native vegetation shall be limited to topsoil salvaged from areas with only native plant species.
- Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff.
- Disturbed areas shall be revegetated after completion of construction activities.
- Provide sanitary facilities for construction workers.

13. Hydrology and Water Quality – The Proposed Project would change the water volume and/or pattern of seasonal flows in a manner that could result in a significant reduction in water supply downstream of the diversion for senior water right holders and a significant reduction in the available aquatic habitat or riparian habitat for native species of plants or animals (4.8-2).<sup>1</sup>

a. Significant Impact

The project objectives to utilize full beneficial use of water authorized under Permit 15882 will change the water volume in San Vicente and Denniston Creeks and could reduce water available for downstream flows.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.8-2:

No water shall be diverted from San Vicente Creek under Permit 15882 unless there is surface flow at both the Etheldore Bridge and California Street points of compliance/ monitoring locations (depicted on Figure 4.8-1 of the EIR). This applies to year-round diversion operations on San Vicente Creek.

At the Etheldore Bridge monitoring location, the existence of surface water flows can be established by either a flow gage or by monitoring groundwater levels in a piezometer (well) to be constructed a short distance from the San Vicente Creek channel. If the water level in the piezometer is at or above the channel thalweg elevation, then the condition requiring surface-water flow at Etheldore Bridge will be considered as being met. If the water level in this piezometer is below the thalweg elevation, then this condition will be considered as not being met, and CCWD shall not divert any water from San Vicente Creek. If a piezometer is used and water levels in the stream and piezometer differ, the levels in the stream shall govern.

At the California Avenue monitoring location, surface water shall be visually observed at or nearby the existing stream gage. If surface water is observed at this gage, then the condition requiring surface water flow at California Avenue will be considered as being met. If there is no surface water at this gage, then this condition will be considered as not being met, and CCWD shall not divert any water from San Vicente Creek.

14. Noise - Construction activities associated with Proposed Project have the potential to intermittently and temporarily generate noise levels significantly greater than existing ambient levels in the Proposed Project vicinity (4.9-1).

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<sup>1</sup> This impact is taken from the SWRCB's custom CEQA Checklist for analyzing water right applications, found online at <http://www.waterboards.ca.gov/waterrights/>. In the EIR, impacts to aquatic habitat and riparian vegetation are discussed and analyzed in Section 4.2 Biological Resources.

a. Significant Impact

Construction of the San Vicente POD and installation of the water pipeline would involve heavy equipment usage such as backhoes, compaction equipment, trenchers, delivery trucks, and dump trucks. Activities associated with construction would be intermittent and temporary and add to the existing noise environment and therefore, would have the potential to raise the ambient noise levels in the vicinity of sensitive receptors.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.9-1:

Construction activities shall be limited to the hours of 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 5:00 pm Saturday. Construction activities shall not be conducted on Sundays or holidays.

In addition, the contractor shall implement the following BMPs to further reduce noise impact due to construction:

-Stationary equipment and staging areas shall be located as far as practical from noise-sensitive receptors.

-All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations.

-To the extent feasible, existing barrier features (structures) shall be used to block sound transmission between noise sources and noise sensitive land uses.

-The general contractors for all construction and demolition activities shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem. All complaints and resolution of complaints shall be reported to the County weekly.

15. Noise – Operation of the Proposed Project has the potential to generate noise levels above existing ambient levels in the Proposed Project vicinity (4.9-3).

a. Significant Impact

The proposed Booster Pump Station would consist of three electric pumps located adjacent to the existing Denniston pump station.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less-than-significant level with Mitigation Measure 4.9-2:

Noise generated by the electric pump located at the new San Vicente POD shall be equipped with a noise-reducing shielding, so that noise generated by the pump does not to exceed the County's noise threshold of 55 CNEL, dbA at a distance of 50 feet.

**B. Significant Impacts that Cannot be Avoided**

No impacts are significant and unavoidable.

## II. EVALUATION OF ALTERNATIVES

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the project or the project location that generally reduce or avoid potentially significant impacts of the project. CEQA requires that every EIR evaluate a “No Project” alternative. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project. The Denniston/San Vicente Water Supply EIR analyzed three alternatives, including the No Project/Baseline alternative. In addition, a fourth alternative (Denniston Reservoir Off-stream Alternative) was eliminated from further consideration due to the inability to meet project objectives or reduce environmental impacts.

### 1. **Alternative A: Lower (1,200 gpm) Denniston WTP Capacity**

Under Alternative A, the project components would be similar to the Proposed Project, except that the capacity of the Denniston WTP would be expanded to only 1,200 gallons per minute (gpm) (equivalent to 2.67 cfs). Alternative A includes the following project components: 1) petition for extension of time for Water Right Permit 15882; 2) new diversion structure and pump station on San Vicente Creek; 3) new and upgraded pipeline between San Vicente Creek and Denniston Reservoir pump station (6,100 feet); 4) expanded capacity of WTP up to 1,200 gpm; 5) new booster pump station; 6) new pipelines along Bridgeport Drive (3,460 feet); and 7) expanded sediment removal program from the Denniston Reservoir.

#### **Findings**

Specific economic, social, or other considerations make infeasible the Lower Denniston WTP Capacity Alternative identified in the EIR, for the following reasons:

- a) Alternative A would ensure that necessary infrastructure is constructed to divert additional water under Permit 15882. However, Alternative A would not allow the District to maximize the authorized diversion of up to 2.0 cfs from each stream.
- b) Alternative A would only partially meet CCWD’s objective to reduce dependency on outside water sources and to provide adequate local water supply in the event outside water sources are cut off, such as during an earthquake or other natural disaster.

### 2. **Alternative B: Current (1,000 gpm) Denniston WTP Capacity**

Under Alternative B, the project components would be similar to those for the Proposed Project, except that the District would not expand its Denniston WTP capacity, but would instead divert only up to the current capacity of 1,000 gpm (equivalent to 2.23 cfs). Alternative B includes the following project components: 1) petition for extension of time for Water Right Permit 15882; 2) new diversion structure and pump station on San Vicente Creek; 3) new and upgraded pipeline between San Vicente Creek and Denniston Reservoir pump station (6,100 feet);

4) new booster pump station; 5) new pipelines along Bridgeport Drive (3,460 feet); and 6) expanded sediment removal program from the Denniston Reservoir.

### **Findings**

Specific economic, social, or other considerations make infeasible the Current Denniston WTP Capacity Alternative for the following reasons.

- a) Alternative B would ensure that necessary infrastructure is constructed to divert additional water under Permit 15882. However, Alternative A would not allow the District to maximize the authorized diversion of up to 2.0 cfs from each stream.
- b) Alternative B would only partially meet CCWD's objective to reduce dependency on outside water sources and to provide adequate local water supply in the event outside water sources are cut off, such as during an earthquake or other natural disaster.

### **3. Alternative C: No Project/Baseline Alternative**

Under Alternative C, the No Project/Baseline Alternative, operational activities that occur as part of the environmental baseline would continue to occur under Permit 15882. These activities include the existing diversions of up to 1.89 cfs from Denniston Creek, but no new infrastructure would be constructed and no water would be diverted from San Vicente Creek. Although Permit 15882 authorizes the diversion of up to 2.0 cfs from Denniston Creek and 2.0 cfs from San Vicente Creek, under this alternative, the District would only divert up to 1.89 cfs from Denniston Creek, the maximum rate of diversion that has historically occurred. The Denniston WTP would continue to treat groundwater pumped from the Airport Aquifer wells and surface water from Denniston Creek, at varying rates based on flow rates and availability.

### **Findings**

Specific economic, social, or other considerations make infeasible the No Project/Baseline Alternative for the following reasons.

- a) Alternative C would not ensure that necessary infrastructure is constructed to support the District's use of water under Permit 15882.
- b) Alternative C would not meet CCWD's objective to reduce dependency on outside water sources and to provide adequate local water supply in the event outside water sources are cut off, such as during an earthquake or other natural disaster.
- c) Alternative C would force the District to pump additional groundwater from its existing Denniston wellfield during times when outside water sources are unavailable, which would increase impacts to the Airport Aquifer.