

**MOJAVE PUBLIC UTILITY DISTRICT
NOTICE OF DETERMINATION
FOR THE ADOPTION OF A
CEQA MITIGATED NEGATIVE DECLARATION
FOR THE
CACHE CREEK PIPELINE REPLACEMENT PROJECT**

PROJECT TITLE: Cache Creek Pipeline Replacement Project

LEAD AGENCY: Mojave Public Utility District (MPUD)

PROJECT SPONSOR: MPUD

PROJECT LOCATION: The District proposes to replace an existing potable water pipeline running roughly parallel to the UPRR and State Highway 58 right-of-way between the City of Tehachapi and the community of Cache Creek in Kern County, California. The project which is linear in nature will be contained within portions of Sections 34, 35, and 36 of Township 32 South, Range 34 East, M.D.M., and portions of Sections 27, 28, 29, 30, 31, and 32 of Township 32 South, Range 35 East, M.D.M.

PROJECT DESCRIPTION: The project consists of the construction of approximately 6 miles of new 10-inch diameter potable water pipeline to convey water from the District's Sand Canyon Well field to the unincorporated communities of Cache Creek and Mojave, CA. The new water pipeline will replace an existing steel pipeline located within the Union Pacific railroad right-of-way that is in poor condition and is difficult to maintain. The proposed alignment moves the pipeline away from the railroad and the Cache Creek stream bed. Approximately two miles of the proposed pipeline alignment is located within BLM managed land in Sections 28, 30, and 32 of Township 32 South, Range 35 East, M.D.M. The remainder of the alignment of the pipeline is proposed to sit within utility easements along private property. The existing pipeline between the new connection points will be plugged and abandoned in place after the new pipeline is in service. Pipeline material is anticipated to be PVC or welded HDPE. A new booster pump station is proposed within the District's existing well field. Two lift stations along the existing pipeline are proposed to be demolished.

FINDINGS:

The District finds that the proposed Project WILL NOT have a significant effect on the environment for the following reasons:

1. The proposed Project would not have a significant impact to or as a result of the following resources;
 - a. Aesthetics,
 - b. Agriculture and Forestry,
 - c. Air Quality,
 - d. Environmental Justice,
 - e. Greenhouse Gas Emissions,
 - f. Hazards and Hazardous Materials,
 - g. Hydrology & Water Quality,
 - h. Land Use and Planning,
 - i. Mineral Resources,
 - j. Population and Housing,
 - k. Public Services,
 - l. Recreation,
 - m. Transportation and Traffic, and
 - n. Utilities and Service Systems.

2. The proposed project would result in potentially significant impacts to or as a result of the following resources. With proposed mitigation measures in place, the level of impact is lessened to a level which is less than significant.
 - a. Biological,
 - b. Cultural,
 - c. Geology and Soils,
 - d. Noise, and
 - e. Tribal Cultural Resources.

MITIGATION MEASURES

Implementation of the project specific mitigation measures identified below for the resources described above would reduce all associated potentially significant impacts to below a level of significance.

General Biological Measures

BIO-1: Prior to construction, Worker Environmental Awareness Program (WEAP) training will be prepared and presented by a qualified biologist to all construction personnel at the start of Project-related activities. The training will discuss sensitive vegetation communities, special-status species including their regulatory status, description, and habitat requirements, as well as jurisdictional waters. The program will emphasize the importance of minimizing disturbance, and describe the federal, state, and local regulations protecting biological resources and the potential penalties for non-compliance with these laws and statutes.

BIO-2: A speed limit of 20 miles per hour will be enforced while traveling on dirt roads to, from, and along the alignments.

BIO-3: Workers will inspect for desert tortoises and other wildlife resting in the shade under vehicles and equipment prior to moving. If a desert tortoise is present but not under the vehicle, the worker(s) will carefully move the vehicle only when necessary and authorized by the biologist. If a tortoise is under a vehicle, the vehicle will not be moved until the tortoise has left the area.

BIO-4: All work will be performed during daylight hours. There will be no night lighting.

BIO-5: Equipment and materials will be staged within the 40-foot wide alignment and away from water drainages. Equipment fueling and maintenance will not take place within or directly adjacent to a water feature. Parked equipment will have drip pans or other means of secondary containment to prevent any fluid leaks coming into contact with the ground surface.

BIO-6: Littering will be prohibited. All trash and food items will be contained within closed-lid receptacles and removed from the site regularly to prevent attracting predators and scavengers, such as dogs, coyotes, desert kit fox, or common ravens to the Project area. Construction related waste, materials and equipment will be removed from the site once the Project is completed.

Vegetation Communities

BIO-7: All equipment and workers will remain within approved work limits. Work limits will be delineated with lathe staking or a similar method. Vegetation outside of the approved 40-foot-wide alignments will not be impacted. Junipers, Joshua trees, and cacti will be avoided when feasible. When avoidance is not feasible on BLM managed lands, impacted BLM sensitive species will be salvaged, transplanted, or mitigated in accordance with policies outlined by BLM.

BIO-8: During clear, grub and grading activities, top soil salvage will be employed to preserve the existing seed bank. The top soil will be re-spread over the alignment to promote revegetation.

Invasive Plants

BIO-9: All equipment will be clean and free of mud/debris prior to entering the Project area to prevent the spread of invasive plants.

Waters and Wetlands

BIO-10: A bore-and-jack method will be employed at the Cache and La Rose Creek crossings to avoid impacts to these major drainages in the area. Trenching will be employed for all other drainage crossings. Original contours will be re-established as much as possible. Work within the streambed will be completed in accordance with applicable jurisdictional permits and agreements including Section 1602 Lake and Streambed Alteration Agreements (LSAA) from the CDFW pursuant to the California Fish and Game Code Section 1600 et seq.

Special-status Wildlife

Mojave Desert Tortoise, Mohave Ground Squirrel, American Badger, San Joaquin Pocket Mouse, Tehachapi Pocket Mouse and Desert Kit Fox

BIO-11: A qualified biologist will conduct surveys for Mojave desert tortoise, in areas of suitable habitat, during the appropriate survey period following the protocol contained in "Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*)" (USFWS 2010). These surveys would be conducted within one year before the start of ground-disturbing activities. A qualified biologist will conduct surveys for Mojave ground squirrel, in areas of suitable habitat, following the methods described in the "Mohave Ground Squirrel Survey Guidelines" (CDFG 2010) during the appropriate survey season. These surveys would be conducted within one year before the start of ground-disturbing activities. Within 72 hours before the construction start, a qualified biologist will perform a preconstruction survey to identify any potential special-status wildlife along the alignment. USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) will be followed.

BIO-12: If the Mojave desert tortoise or Mohave ground squirrel are detected along the corridor, CDFW and USFWS will be consulted to discuss how to implement the Project and avoid take (as defined under Fish & Game Code Section 86). An Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b) may be acquired prior to ground-disturbing activities if Mojave desert tortoise or Mojave ground squirrel are detected during the protocol surveys and avoidance is not deemed feasible. All observations of special-status wildlife will be reported to the qualified biologist so that appropriate action can be taken. If a Mojave desert tortoise or Mohave ground squirrel is encountered along the alignments and is in immediate danger during construction, then work will cease in the immediate area and the qualified biologist will be consulted. These species will be allowed to leave the site on their own accord or addressed in accordance with the appropriate ITP if acquired. If any active or potential kit fox dens are found, CDFW will be consulted for guidance on take avoidance measures. These observations will be reported to the BLM within 24 hours so that appropriate mitigation can be implemented.

Nesting Birds

BIO-13: If construction activities occur within the breeding bird season (February 1 through September 15), all vegetation clearing and initial ground disturbing activities will be preceded by a nesting bird survey. Nesting bird surveys will be conducted by a qualified biologist of all areas that may support nesting and will be subject to disturbance. Surveys will be conducted no more than 7 days prior to construction activities. A minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors would be applied unless a variance is supported by the qualified biologist in consultation with CDFW.

Wildlife Movement and Entrapment

BIO-14: All trenches that will be left open overnight will be either fenced, covered, or have the ends sloped at a 3-to-1 ratio and an earthen bridge/ramp installed in the trench every 250 feet to facilitate the escape of wildlife. All steep-walled pipeline trenches will be inspected daily in the morning before work, evening after work, and prior to backfilling to prevent mortality of common and special-status wildlife species. All trench entrapped wildlife will be removed if safe to do so or allowed to escape voluntarily via escape ramps prior to construction resuming. If a CESA or FESA listed species is found, CDFW or USFWS would be consulted to discuss how to proceed.

BIO-15: All pipes or similar structures on-site with a diameter of 2 to 24 inches will be inspected for wildlife species prior to moving or placing in the trench. Openings will be sealed or otherwise covered if sections cannot be inspected to prevent the entry of wildlife including pipe within the trench. If a common or special-status species is discovered inside a pipe, the animal will be safely removed. If a CESA or FESA listed species is found, CDFW or USFWS would be consulted to discuss how to proceed. Alternatively, stored pipe may be kept capped at all times until used during construction.

Cultural Resources

CR-1: Cultural Resources Monitoring – It is recommended that construction excavation within recent alluvial deposits be monitored by a qualified archaeologist to identify buried cultural resources. Monitoring shall be implemented as listed below:

1. High Sensitivity Areas: Monitoring required.
2. Moderate Sensitivity Areas: Initial monitoring required to assess the potential for buried cultural sites and to determine the need for further monitoring. If it is determined during the monitoring that these locations have little potential for intact buried cultural resources, the archeological monitoring may be discontinued in consultation with the District and the BLM Ridgecrest field office.
3. Low Sensitivity Areas: No monitoring required.

If subsurface cultural resources are encountered during construction, work in the immediate vicinity should be suspended until the discovery is assessed and further treatment is determined in consultation with the MPUD and the BLM Ridgecrest field office.

CR-2: Regulation Compliance – The District will comply with Health and Safety Code Section 7050.5, CEQA Section 15064.S(e), and Public Resources Code Section 5097.98, which mandate the process to be followed in the unlikely event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Geology and Soils

GEO-1: SWPPP - To control water and wind erosion during construction and operation of the Project, the District will prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit.

GEO-2: Seismic Design - Although the proposed Project has little inherent potential for causing seismic safety effects, the District will ensure that all facilities are designed to withstand the anticipated seismic forces, consistent with local and State building codes and relevant regulations.

GEO-3: Pipeline Shut Off Valves - The District will install shut off valves along the pipeline to minimize the potential for flooding due to pipe damage or rupture caused by seismic events.

Tribal Cultural Resources

TCR-1: Inadvertent Finds –

1. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
2. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior (SOI) standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period.
3. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan

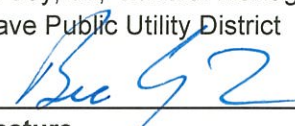
INITIAL STUDY: The Initial Study/Environmental Assessment prepared for this Project is included by reference as a part of this Notice of Determination to adopt a Mitigated Negative Declaration.

Mitigation Monitoring and Reporting Program: The Mitigation Monitoring and Reporting Program prepared for this Project is included by reference as a part of this Notice of Determination to adopt a Mitigated Negative Declaration.

DETERMINATION: The Mojave Public Utility District as Lead Agency has completed an Initial Study/Environmental Assessment evaluating the possible environmental effects of the above referenced project in accordance with the California Environmental Quality Act (CEQA) guidelines and has determined that a Mitigated Negative Declaration is appropriate. The Lead Agency has reviewed comments submitted by the public during the public review period and has incorporated revisions to the Initial Study/Environmental Assessment and Mitigated Negative Declaration which address said comments.

The Lead Agency hereby finds that the proposed project as described and proposed to be mitigated in the project's Mitigation Monitoring and Reporting Program will not have a significant effect on the environment. This determination has been made according to CEQA guidelines. Said finding and subsequent Notice of Determination filing was approved by the Board of Directors of the Mojave Public Utility District during their Regular Board Meeting of 1/9/2020.

Bee Coy, Jr., General Manager
Mojave Public Utility District



Signature

1/10/2020
Date