

HELENDALÉ COMMUNITY SERVICES DISTRICT
26540 Vista Road, Helendale CA 92342
(760) 951-0006

DRAFT MITIGATED NEGATIVE DECLARATION
Preparation Date: August 23, 2020

Name or Title of Project: Helendale CSD Community Park

Location: 26540 Vista Road
Helendale CA 92342

Entity or Person Undertaking Project: Helendale Community Services District
Dr. Kimberly Cox, General Manager
kcox@helendalecsd.org

Description of Project: To allow for the development of a New Community Park facility in a designated disadvantaged and severely disadvantaged community to include an approximately 35,000+/- square foot community center building with a Gymnasium/Multi-purpose area with raised stage, Senior Center with small Central Kitchen, restroom with interior and exterior access capability, HCSD Park Offices, and exterior uses for potential amenities such as an amphitheater area with raised stage, "Splash Pad", small basic dirt BMX Track, exterior workout area, grass play and picnic areas, small skate park, and/or miniature golf on a portion of the 10.5+/- acre.

Statement of Findings: The Helendale CSD Board of Directors has reviewed the Initial Study for this proposed project and has found that there are no adverse environmental impacts to either the man-made or physical environmental setting if the following mitigation measures are implemented in conformance with the Mitigation Monitoring Policy, and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

A copy of the Initial Study and other applicable documents used to support the proposed Negative Declaration is available for review at the Helendale Community Services District.

Mitigation Measures:

AIR QUALITY:

- AIR 1. Prepare and submit to the Mojave Desert Air Quality Management District (MDAQMD) a dust control plan that describes all applicable dust control measures that will be implemented at the project, prior to commencing earth-moving activity.
- AIR 2. The following signage shall be erected not later than the commencement of construction: A minimum 48 inch high by 96 inch wide sign containing the following shall be located within 50 feet of each project site entrance, meeting the specified minimum text height, black text on white background, on one inch A/C laminated plywood board, with the lower edge between six and seven feet above grade, with the contact name of a responsible official for the site and a local or toll-free number that is accessible 24 hours per day:
- "[Site Name] {four-inch text}
[Project Name/Project Number] {four inch text}
IF YOU SEE DUST COMING FROM {four-inch text} THIS PROJECT CALL:
{four-inch text}
[Contact Name], PHONE NUMBER XXX-XXXX {six-inch text} If you do not receive a response, Please Call {three-inch text} The MDAQMD at 1-800-635-4617 {three-inch text}
- AIR 3. Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- AIR 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project specific biological mitigation prohibiting wind fencing.
- AIR 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular use or wind erosion. Take actions to prevent project-related track-out onto paved surfaces and clean any project-related track-out within 24 hours. All other earthen surfaces within the project shall be stabilized by natural, irrigated vegetation, chemical, compaction, or other means sufficient to prohibit visible fugitive dust from wind erosion.

BIOLOGICAL RESOURCES:

BIO 1. A preconstruction survey shall be conducted by a qualified biologist for the presence of American badger and Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities:

- o Desert kit fox or American badger potential den: 50 feet
- o Desert kit fox or American badger active den: 100 feet
- o Desert kit fox or American badger natal den: 500 feet

If avoidance of the potential dens is not feasible, the following measures are recommended to avoid potential adverse effects to the American badger and desert kit fox:

- o If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or desert kit foxes from re-using them during construction.
- o If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction.
- o During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness

Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to HCSD and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.

BIO 2. The Project Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owls no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.

If burrowing owls are detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012):

- o A Certified Wildlife Biologist shall be onsite during initial ground - disturbing activities in potential burrowing owl habitat.
- o No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- o During the nonbreeding (winter) season (September 1 to January 31), ground- disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012).
- o Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum:
 - o Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species
 - o Type of scope to be used and appropriate timing of scoping
 - o Occupancy factors to look for and what shall guide determination of vacancy and excavation timing
 - o Methods for burrow excavation
 - o Removal of other potential owl burrow surrogates or refugia onsite
 - o Methods for photographic documentation of the excavation and closure of the burrow,
 - o Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take

- o Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals
- o Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation (CDFW 2012) guidance. The plan shall include the following components, at a minimum:
 - o Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetation;
 - o Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals;
 - o Mitigation land acreage shall not exceed the size of the project site;
 - o Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.
 - o Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
 - o Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.

BIO 3. If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.

BIO 4. If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert Kit Fox, or nesting birds are detected on the project site during future surveys or assessments or construction, all work on-site shall stop immediately and mitigation measures shall be required to reduce impact to a

level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist and be approved by HCSD and the California Department of Fish and Wildlife as applicable in accordance with typical best practices.

- BIO 5. Should grading or construction commence after February 1st, 2021, a new biological survey shall be filed with the HCSD as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with HCSD or designee prior to issuance of a grading permit. The survey shall be valid for a period of one year or as specifically delineated above.

CULTURAL RESOURCES:

- CUL 1. In the event that Tribal cultural resources are discovered during the project earth moving activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist and appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the owner and the Tribe or Band cannot agree on the significance or the mitigation for such resources, these issues shall be presented to the Helendale CSD General Manager for decision. The Helendale CSD shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe or Band.
- CUL 2. If significant Tribal cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Plan development.
- CUL 3. If requested by a Tribe or Band, the developer or the qualified archaeologist shall, in good faith, consult with Tribal representatives on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).
- CUL 4. In the event that fossils are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.
- CUL 5. All earthmoving work in the immediate vicinity shall cease and County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 if human remains are encountered. If the remains are determined to be Native American, the State Native American Heritage Commission (NAHC) shall be contacted to determine the Most Likely Descendant (MLD). The MLD shall be contacted to make a determination regarding disposition of the remains. Work shall not resume until such time as the site has been cleared by the County Coroner or qualified archaeologist or Tribal representative.

GEOLOGICAL & SOILS:

GEO 1. In the event that fossils are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.

HYDROLOGY AND WATER QUALITY

HYD 1. Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:

- Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;
- The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and
- Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.

TRIBAL CULTURAL RESOURCES

TRI 1. In the event that Tribal cultural resources are discovered during the project earth moving activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist and appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the owner and the Tribe or Band cannot agree on the significance or the mitigation for such resources, these issues shall be presented to the Helendale CSD General Manager for decision. The Helendale CSD shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe or Band.

TRI 2. If significant Tribal cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Plan development.

TRI 3. If requested by a Tribe or Band, the developer or the qualified archaeologist shall, in good faith, consult with Tribal representatives on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

TRI 4. In the event that fossils are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.

TRI 5. All earthmoving work in the immediate vicinity shall cease and County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 if human remains are encountered. If the remains are determined to be Native American, the State Native American Heritage Commission (NAHC) shall be contacted to determine the Most Likely Descendant (MLD). The MLD shall be contacted to make a determination regarding disposition of the remains. Work shall not resume until such time as the site has been cleared by the County Coroner or qualified archaeologist or Tribal representative.

Public Review Period: **September 8 through October 8, 2020.**

Tentative Public Hearing Date: _____, ____.

Adopted by the Board of Directors: _____, ____.