

HELENDALE 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 Well Field Expansion

Location: Helendale Road & Shadow Mountain Road
Helendale CA 92342

Entity or Person Undertaking Project: Helendale Community Services District
Dr. Kimberly Cox, General Manager
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Description of Project: To allow for the expansion of an existing well field to include the construction of multiple new wells (replacement and new) and appurtenant facilities for the community within the boundary of the Helendale Community Services District (HCSD – Exhibit 6.1.3), located on approximately 43.08+/- acres.

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. If applicable, all perimeter fencing shall be wind fencing or the equivalent, a minimum of four feet and a maximum of eight feet in height. 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 gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and 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 area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

BIOLOGICAL RESOURCES:

BIO 1. The well(s) shall be located no closer than fifty feet (50') from any riparian tree along the edge of the Mojave River. Further, no appurtenant facilities, construction activities, construction vehicles or equipment, or passenger vehicles or trucks shall be located or parked closer than fifty feet (50') from any riparian trees.

BIO 2. A preconstruction survey shall be conducted by the Project Wildlife Biologist (Certified Wildlife Biologist is considered to be 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 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 3. A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals 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 4. 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 5. 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 6. 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 required permit(s). The survey shall be valid for a period of one year or as specifically delineated above for various bird species.

CULTURAL RESOURCES:

- CUL 1. In the event that Tribal cultural resources are discovered during the project earth moving or construction 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. The Helendale CSD cedes to the San Manuel Band of Mission Indians (SMBMI) for ultimate determination and all tribal resources to SMBMI. SMBMI is a non-collection tribe and all resources shall be reburied on-site at a location that does not impact future well locations and additionally complies with 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, HCSD or qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Treatment 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 any human remains, burials, or funerary objects are discovered within the project area, all earthmoving work and/or construction in the immediate vicinity shall be suspended and an environmentally sensitive area physical demarcation/barrier constructed. The County Corner and Helendale Community Services District shall immediately be contacted pursuant to State Health and Safety Code §7050.5. If the Coroner determines the remains to be Native American, or has reason to believe they are Native American, the State Native American Heritage Commission (NAHC) shall be contacted within twenty-four (24) hours as required by California Health and Safety Code Section 7050.5(c).

The NAHC-identified Most Likely Descendant (MLD) shall be allowed under California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency/Landowner agree to discuss in good faith what constitutes “appropriate dignity” as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code Section 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code Section 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Lead Agency/Landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner and all other parties will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254(r).

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:

GE0 1. Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of the material. If covering is not feasible, then measures such as the use of straw bales or gravel bags shall be used to capture and hold eroded material on the project site for future cleanup.

GE0 2. Excavated areas shall be properly backfilled and compacted. Paved areas disturbed by this project will be repaved in such a manner that pipeline connections within adjacent roadways and other disturbed areas are returned to as near the pre-project condition as is feasible.

- GEO 3. All exposed, disturbed soil (trenches, stored backfill, etc.) will be sprayed with water or soil binders twice a day or more frequently if fugitive dust is observed migrating from either of the well sites within which the water facilities are being installed.
- GEO 4. The length of trench which can be left open at any given time will be limited to that needed to reasonably perform construction activities. This will serve to reduce the amount of backfill stored onsite at any given time.
- GEO 5. The HCSD shall identify any additional BMPs to ensure that the discharge of surface water does not cause erosion downstream of the discharge point. This shall be accomplished by reducing the energy of any site discharge through an artificial energy dissipater or equivalent device. If any substantial erosion or sedimentation occurs, any erosion or sedimentation damage shall be restored to pre-discharge conditions.
- GEO 6. 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.

HAZARDS AND HAZARDOUS MATERIALS

- HAZ 1. All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.

HYDROLOGY AND WATER QUALITY

- HYD 1. HCSD shall test the groundwater produced from the well prior to discharge. Prior to or during discharge any contaminants shall be blended below the pertinent MCL or treated prior to discharge, including sediment or other material.
- HYD 2. HCSD shall prepare a Drilling Plan that describes the drilling method and construction contingencies to be employed. That plan shall describe waste management control and disposal methods for cuttings, mud, and development water discharges. The Drilling Plan should identify, and illustrate on appropriate scale maps, the Best Management Practices (BMPs) that will be employed to ensure there are no adverse effects on ground or surface water quality. HCSD shall indicate how they will implement and monitoring the effectiveness of installed BMPs, and make necessary adjustments in the field, if necessary, to modify those BMPs and protect water quality. The Drilling Plan

shall be made available to the Lahontan Regional Water Quality Control Board for their records according to rules and regulations.

HYD 3. The County shall require of HCSD that the construction contractor prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving offsite into receiving waters. The SWPPP shall include a Spill Prevention and Cleanup Plan that identifies the methods of containing, cleanup, transport and proper disposal of hazardous chemicals or materials released during construction activities that are compatible with applicable laws and regulations. BMPs to be implemented in the SWPPP may include but not be limited to:

- The use of silt fences;
- The use of temporary stormwater desilting or retention basins; The use of water bars to reduce the velocity of stormwater runoff;
- The use of wheel washers on construction equipment leaving the site;
- The washing of silt from public roads at the access point to the site to prevent the tracking of silt and other pollutants from the site onto public roads;
- The storage of excavated material shall be kept to the minimum necessary to efficiently perform the construction activities required. Excavated or stockpiled material shall not be stored in water courses or other areas subject to the flow of surface water; and
- Where feasible, stockpiled material shall be covered with waterproof material during rain events to control erosion of soil from the stockpiles.

HYD 4. HCSD shall conduct a pump test of the new well and determine whether any other wells are located within the cone of depression once the well reaches equilibrium. If any private wells are adversely impacted by future groundwater extractions from the proposed well, HCSD shall offset this impact through provision of water service; or adjusting the flow rates or hours of operation to mitigate adverse impacts.

HYD 5. HCSD and construction contractor shall select best management practices applicable to the project site and activities on the site to achieve a reduction in pollutants to the maximum extent practicable, both during and following development of the proposed municipal-supply water well and associated pipeline, and to control urban runoff after the Project is constructed and the well (if approved for operation post well testing) is in operation.

NOISE

NOI 1 Noise measures shall be implemented to reduce noise levels to the greatest extent feasible (at or below 65 dBA). Measures may include portable noise barriers, scheduling specific construction activities to avoid conflict with

adjacent sensitive receptors, or any other means by which to accomplish this noise minimization.

- NOI 2 All construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by Applicant personnel during construction activities.
- NOI 3 HCSD will establish a noise complaint/response program and will respond to any noise complaints received for this project by measuring noise levels at the affected receptor. If the noise level exceeds 60 dBA exterior or 45 dBA interior between the hours of 7 PM and 7 AM on any day except Sunday or a Federal holiday, or between the hours of 8 PM and 9 AM on Sunday or a Federal holiday at the receptor, the Applicant will implement adequate measures to reduce noise levels to the greatest extent feasible, including portable noise barriers at the project site or at affected residences, offer temporary relocation to affected residences, or scheduling specific construction activities to avoid conflict with adjacent sensitive receptors.
- NOI 4 Construction staging areas shall be located as far from adjacent sensitive receptor locations as possible, for example on the north- or south- west corners of the project site.
- NOI 5 Well pump noise levels to be limited to 50 dB(A) or below at the exterior of the nearest sensitive noise receptor. A manner in which this may be accomplished is by installing surface well housing, housed in concrete block structure that attenuates noise to meet this performance standard. Alternative design criteria may be accomplished to reduce noise impacts. The aforementioned or other noise reducing measures shall be implemented should HCSD be unable to demonstrate that noise levels are limited to 50 dBA at the nearest sensitive receptor.

TRANSPORTATION

- TRAN 1 The construction contractor will provide adequate traffic management resources, as determined by the HCSD. If needed, HCSD shall require a construction traffic management plan for work in public roads that complies with the Work Area Traffic Control Handbook, or other applicable standard, to provide adequate traffic control and safety during excavation activities. The traffic management plan shall be prepared and approved by the HCSD prior to initiation of excavation or pipeline construction. At a minimum this plan shall include how to minimize the amount of time spent on construction activities; how to minimize disruption of vehicle and alternative modes of transport traffic at all times, but particularly during periods of high traffic volumes; how to maintain safe traffic flow on local streets affected by construction at all times, including through the use of adequate signage, protective devices, flag persons or police assistance to ensure that traffic can flow adequately during

construction; the identification of alternative routes that can meet the traffic flow requirements of a specific area, including communication (signs, webpages, etc.) with drivers and neighborhoods where construction activities will occur; and at the end of each construction day roadways shall be prepared for continued utilization without any significant roadway hazards remaining.

TRAN 2 HCSD shall require all disturbances to public roadways be repaired in a manner that complies with the Standard Specifications for Public Works Construction (green book) or other applicable Local Agency standard design requirements.

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. The Helendale CSD cedes to the San Manuel Band of Mission Indians (SMBMI) for ultimate determination and all tribal resources to SMBMI. SMBMI is a non-collection tribe and all resources shall be reburied on-site at a location that does not impact future well locations and additionally complies with 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, HCSD's qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Plan development.
- TRI 3. If requested by a Tribe or Band, HCSD's 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. 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. Tribal representative(s) or the lead Tribal Representative, currently designed as SMBMI and a more detailed criteria and specifically a buffer zone

Public Review Period: **November 6 through December 7, 2020.**

Tentative Public Hearing Date: _____, ____.

Adopted by the Board of Directors: _____, ____.