



# CARMEL AREA WASTEWATER DISTRICT

## Mitigated Negative Declaration

Pursuant to Section 21000 et seq. of the Public Resources Code and the City of San Mateo Environmental Review Guidelines and Procedures, a Mitigated Negative Declaration is hereby granted for the following project:

1. Project Title: Carmel Meadows Lift Station and Sewer Replacement (Project)
2. Lead Agency and Project Applicant: Carmel Area Wastewater District (CAWD or District)  
P.O. Box 221428  
Carmel, California 93922
3. Contact Person and Phone Number: Rachel Lather, MS, PE, District Engineer  
Tel: (831) 257-3034  
Email: [lather@cawd.org](mailto:lather@cawd.org)
4. Project Location and APNs: Carmel Meadows subdivision, between Carmel River and Carmel Bay, North of Ribera Road.  
  
Lots: APNs 243-031-017 through 243-031-034, and 243-051-001 through 243-051-008  
  
Slope: APNs 243-051-020, 243-051-021, and 243-051-022
5. General Plan Designation: Medium Density Residential (MDR)
6. Zoning: MDR/2 Dwelling Units (2-D) per acre in the Coastal Zone (CZ)
7. Description of Project: The Project would upgrade sewer facilities by using a small lift station and a series of four small residential scale sewage pumps to enable the use/reuse of accessible, and less environmentally damaging pipeline alignments through the backyards of the residences being served in the Project area.

## FINDING

The General Manager of CAWD finds the Project described above will not have a significant effect on the environment in that the attached Initial Study identifies one or more potentially significant effects on the environment for which the Project applicant, before public release of this draft Mitigated Negative Declaration (MND), has made or agrees to make Project revisions that clearly mitigate the effects to a less-than-significant level.

### MITIGATION MEASURES INCLUDED IN THE PROPOSED TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS-THAN-SIGNIFICANT LEVEL

- A. **AESTHETICS** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.
- B. **AGRICULTURE AND FOREST RESOURCES** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.
- C. **AIR QUALITY** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.
- D. **BIOLOGICAL RESOURCES** –

#### **Mitigation Measures BIO-1 – Workers Environmental Awareness Training**

Contractors and employees working on the project will attend a Worker Environmental Awareness Training Program (WEAP) prior to beginning work at the site. The WEAP will consist of a brief presentation by a USFWS-approved biologist, which may be given either in-person or via an automated PowerPoint presentation. The program will include a description of visual identification of any special-status species and required habitat, an explanation of the status of these species and their protection, consequences of non-compliance, and a description of the project-specific measures being taken to reduce effects to these species. Documentation of the training (i.e., a sign-in sheet) will be retained at the site and will be submitted with applicable reports.

#### **Mitigation Measure BIO-2 – Preconstruction Surveys and Construction Monitoring**

Within 48 hours prior to any construction activities, a qualified biologist will conduct surveys for CRLF in and adjacent to the project site. A qualified biologist will be on-site during ground-disturbing activities, including fence installation and the operation of heavy equipment (e.g., during excavation and grading activities). The qualified biologist will be given authority to stop any work that may result in take of listed species. If at any time a CRLF is observed within the project site and relocation is necessary, the USFWS will be consulted, and the animal will be transported to a suitable relocation site within the Carmel River, outside of the project site and released.

### **Mitigation Measure BIO-3 – Exclusion Fence**

Exclusionary fencing will be installed between the existing pipeline and the Carmel River Lagoon to prevent CRLF from entering from any adjacent habitat. Fencing will consist of silt fence or suitable substitute (e.g., ERTEC 48-inch high-visibility orange silt fencing), which will be buried at least 6-inches below the surface (or otherwise sealed in a like manner) to prevent incursion under the fence and will stand at least 36 inches above ground. The fence will also be made of an opaque material for visibility. Exit funnels will be installed to allow any animals that may be occupying the project site to escape. Exclusion fencing will be inspected and maintained throughout the project. Fencing will be removed only when all construction equipment is removed from the site.

The exclusion fence will be checked for breaches on a daily basis by the qualified biologist. However, if a qualified biologist is not required to be on-site for biological monitoring or other tasks, an on-site representative may be appointed to check the fence on a daily basis and conduct repairs. If an on-site representative is conducting inspections and repairs, a qualified biologist will verify the fence status on a weekly basis to assure repairs are occurring as needed. A comprehensive fencing plan will be submitted for District approval.

### **Mitigation Measure BIO-4 – Covering Trenches**

To prevent inadvertent entrapment of wildlife, any excavated, steep-walled holes or trenches more than 12 inches deep will either be covered at the close of each working day, or have one or more escape ramps constructed of earth fill or wooden planks installed with slopes less than 4:1 (H:V). Before any such holes or trenches are filled, they will be inspected for wildlife by a qualified biologist.

### **Mitigation Measure BIO-5 – Work Windows**

The project will not operate heavy equipment on-site from 30 minutes after sunrise to 30 minutes before sunset, thereby avoiding disturbances during the most active times for the subject species. The project may occur year-round.

### **Mitigation Measure BIO-6 – Delineating Boundaries**

The boundary of the project site will be clearly delineated with highly-visible stakes, fencing, or flagging.

### **Mitigation Measure BIO-7 – Disposal of Trash**

To eliminate attractants of predators, any food-related trash will be disposed of in closed containers and removed from the site regularly.

### **Mitigation Measure BIO-8 – No Mono-filament Netting**

Mono-filament netting or similar material will not be used on any erosion control devices specified in the SWPPP.

**Mitigation Measure BIO-9 – Vehicular Traffic**

All vehicle traffic will be restricted to established or defined temporary access roads.

**Mitigation Measure BIO-10 – Revegetation**

The project will revegetate temporary disturbance areas, as such, no permanent loss of CRLF upland refugia habitat is anticipated.

**Mitigation Measure BIO-11 – Bat Roost Assessment**

To avoid impacts to roosting bats, trees and snags should be removed between October 1 and March 31, outside of the maternity roosting season (when female bats may have dependent young). If tree removal must occur between April 1 and September 30, a bat roost habitat assessment should be conducted by a qualified biologist. The bat roost habitat assessment would determine the likelihood of the project site supporting roosting bats at the time of tree or snag removal. If the assessment identifies suitable or potentially occupied roosts within the project site, a pre-construction bat survey should be performed no more than 14 days prior to removal using site appropriate survey methods to determine if potential roost structures are occupied.

If special-status bat species are detected during these surveys, the removal of trees or snags will be postponed until the end of the maternity roosting season. Irrespective of time of year, all felled trees should remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape.

In addition, if mature coast live oak Monterey cypress are removed during construction, they will be replaced at a minimum ratio of 1:1 per the Revegetation Plan.

**Mitigation Measure BIO-12 – Common Nesting Birds**

Project activities, such as vegetation removal, grading, or initial ground-disturbance, will be conducted between September 1 and January 31 (outside of the February 1 to August 31 nesting season) to the greatest extent feasible.

If project activities must be conducted during the nesting season, a pre-construction nesting bird survey will be conducted by a qualified biologist no more than 14 days prior to vegetation removal or initial ground disturbance. The survey will include the project site and surrounding vicinity to identify the location and status of any nests that could potentially be affected either directly or indirectly by project activities.

If active nests of native nesting bird species are located during the nesting bird survey, a work exclusion zone will be established around each nest by the qualified biologist. Established exclusion zones will remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes will be determined by a qualified biologist and will vary based on species, nest location, existing visual buffers, noise levels, and other factors. An exclusion zone radius may be as small as 50 feet for common, disturbance-adapted species, or as large as 250 feet or more for raptors. Exclusion zone size will be reduced from established levels by a qualified

biologist if nest monitoring findings indicate that project activities do not adversely impact the nest, and if a reduced exclusion zone would not adversely affect the nest.

### **Mitigation Measures BIO-13 – Revegetation Plan**

The project will avoid impacts to coastal brambles, coast live oak woodland, and Monterey cypress stands to maximum extent feasible. To mitigate for impacts to coastal brambles that cannot be avoided, a Revegetation Plan will be drafted and submitted to CAWD for approval. All temporary impact areas within the project site will be mitigated via on-site revegetation at a minimum 1:1 ratio of impacted to restored habitat. Natural recruitment of native vegetation is expected to occur and will be augmented through seeding with a native seed mix. In addition, native California blackberry plugs will be installed throughout the areas of temporary impacts to coastal brambles to re-establish this sensitive natural community. Impacts to coastal brambles from project implementation would be less than significant after implementation of this mitigation measure.

### **Mitigation Measures BIO-14 – Protected Trees**

The applicant shall install construction fencing at the dripline of all protected trees in the project area and all equipment will be maintained and stored in the designated staging area ensuring that the tree protection zone is established. Fence material shall be high visibility construction fencing. Trimming of trees to provide access for machines and equipment shall be done with a hand saw or electrical saw, and no major limbs measuring four (4) inches in diameter 0.5 feet from the branch union shall be removed. If any root trimming is required, it should be done at 90 degrees to the grade, at the node and only up to two (2) inches in diameter.<sup>1</sup> No stockpiling of excavated soil during trenching shall be placed within the dripline of any protected tree.

## **E. CULTURAL RESOURCES –**

### **Mitigation Measure CULT-1 – On-Site Archaeological Monitor**

To reduce potential impacts to cultural resources that may be discovered during development of the site, a qualified archaeological monitor (i.e., an archaeologist registered with the Register of Professional Archaeologists [RPA] or a Registered Archaeologist [RA] under the supervision of an RPA) shall be present and observe all soil disturbance for all grading and excavation activities. If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by the archaeological monitor. If the find is determined to be significant, work shall remain halted until a plan of action has been formulated, with the concurrence of CAWD, and

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<sup>1</sup> ANSI A300 Pruning Standard - Part 1. 2017. American National Standard for Tree Care Operations - Tree, Shrub, and Other Woody Plant Management – Standard Practices (Pruning). 33 pp.

implemented. To facilitate data recovery of smaller midden components, such as beads or lithic debitage, the excavated soil from the project site shall be screened during monitoring.

### **Mitigation Measure CULT-2 – Unanticipated Discovery Protocol for Archaeological Resources**

If indigenous or historic-era archaeological resources are encountered during proposed project development or operation, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. CAWD and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify CAWD of their initial assessment. If the resource is indigenous, CAWD shall also contact relevant California Native American Tribes to assist in determining if the resource may qualify as a tribal cultural resource.

If CAWD determines, based on recommendations from the qualified archaeologist and, if the resource is indigenous, relevant California Native American Tribes, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines § 15064.5), or a tribal cultural resource (as defined in PRC § 21074), the resource shall be avoided if feasible. Avoidance means that no activities associated with the proposed project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, CAWD shall consult with appropriate Native American tribes (if the resource is indigenous), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC § 21083.2 and CEQA Guidelines § 15126.4. This shall include documentation of the resource and may include data recovery or other measures. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical report to be filed with CHRIS. Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist.

### **Mitigation Measure CULT-3 – Unanticipated Discovery Protocol for Human Remains**

If human remains are uncovered during proposed project construction, all work shall immediately halt within 100 feet of the find and the Monterey County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols set forth in CEQA Guidelines § 15064.5(e)(1). If the County Coroner determines that the remains are Native American, CAWD shall contact the NAHC, in accordance with HSC § 7050.5(c) and PRC § 5097.98. As required by PRC § 5097.98, CAWD shall ensure that further development activity avoids damage or disturbance in the immediate vicinity of the Native American human remains, according to generally accepted cultural or archaeological standards or practices,

until CAWD has conferred with the Most Likely Descendants regarding their recommendations.

**F. ENERGY** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**G. GEOLOGY AND SOILS –**

**Mitigation Measure GEO-1 – Paleontological Resources**

The applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall include the following directive in the appropriate contract documents. The County shall verify that the following directive is included in the appropriate contract documents:

“The subsurface of the construction site may be sensitive for paleontological resources. The contractor shall provide information to construction crews on how to recognize paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground disturbing activities within 25 feet of the find shall be redirected and the County and a qualified paleontologist contacted to assess the situation. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as animal tracks.”

The County and a qualified paleontologist shall make recommendations for the treatment of the discovery. If found to be significant, and project activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, preparation of a technical report, and providing the fossil material and technical report to a paleontological repository, such as the University of California Museum of Paleontology. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the County for review.

**H. GREENHOUSE GAS EMISSIONS** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**I. HAZARDS AND HAZARDOUS MATERIALS** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**J. HYDROLOGY AND WATER QUALITY** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**K. LAND USE AND PLANNING** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**L. MINERAL RESOURCES** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**M. NOISE** –

**Mitigation Measure NOI-1 – Construction Noise**

CAWD shall incorporate the following practices into the construction documents to be implemented by the project contractor:

- Construction hours shall be limited to 8:00 A.M. to 6:30 P.M. Monday through Saturday.
- Notify businesses, residences, and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate the County’s construction manager as responsible for responding to any local complaints about construction noise. The construction manager shall determine the cause of the noise complaints (for example starting too early, or a bad muffler) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the construction manager at the construction site.
- Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
  - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
  - Where feasible, use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
  - Locate stationary equipment to minimize noise impacts on the community; and
  - Minimize backing movements of equipment.
- Use quiet construction equipment whenever possible.
- Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
- Prohibit unnecessary idling of internal combustion engines

**N. POPULATION AND HOUSING** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**O. PUBLIC SERVICES** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.



**P. RECREATION** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**Q. TRANSPORTATION** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.

**R. TRIBAL CULTURAL RESOURCES –**

**Mitigation Measure CULT-1 – On-Site Archaeological Monitor**

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**Mitigation Measure CULT-2 – Unanticipated Discovery Protocol for Archaeological Resources**

If indigenous or historic-era archaeological resources are encountered during proposed project development or operation, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. CAWD and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify CAWD of their initial assessment. If the resource is indigenous, CAWD shall also contact relevant California Native American Tribes to assist in determining if the resource may qualify as a tribal cultural resource.

If CAWD determines, based on recommendations from the qualified archaeologist and, if the resource is indigenous, relevant California Native American Tribes, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines § 15064.5), or a tribal cultural resource (as defined in PRC § 21074), the resource shall be avoided if feasible. Avoidance means that no activities associated with the proposed project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, CAWD shall consult with appropriate Native American tribes (if the resource is indigenous), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC § 21083.2 and CEQA Guidelines § 15126.4. This shall include documentation of the resource and may include data recovery or other measures. Treatment for most resources would consist of (but would not be not limited to) sample

excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical report to be filed with CHRIS. Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist.

**Mitigation Measure CULT-3 – Unanticipated Discovery Protocol for Human Remains**

If human remains are uncovered during proposed project construction, all work shall immediately halt within 100 feet of the find and the Monterey County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols set forth in CEQA Guidelines § 15064.5(e)(1). If the County Coroner determines that the remains are Native American, CAWD shall contact the NAHC, in accordance with HSC § 7050.5(c) and PRC § 5097.98. As required by PRC § 5097.98, CAWD shall ensure that further development activity avoids damage or disturbance in the immediate vicinity of the Native American human remains, according to generally accepted cultural or archaeological standards or practices, until CAWD has conferred with the Most Likely Descendants regarding their recommendations.

**Mitigation Measure TRC-1 – Tribal Cultural Resources**

To ensure that Tribal Cultural Resources incur less than significant impacts, a Tribal Monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, shall be on-site and observe all project-related grading and excavation to identify findings with tribal cultural significance. This Tribal Monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If resources are discovered, the owner/applicant/contractor shall refer to and comply with Mitigation Measure CULT-1 as applicable. This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

- S. UTILITIES AND SERVICE SYSTEMS** – The Project will not have a significant impact on this resource; therefore, no mitigation is required.
- T. WILDFIRE** – The Project will not be impacted by wildfire or will not exacerbate wildfire conditions in the area; therefore, no mitigation is required.
- U. MANDATORY FINDINGS OF SIGNIFICANCE** – With the implementation of the mitigation measures identified above, and the conditions of approval identified in the Initial Study, the Project would not degrade the quality of the environment, substantially affect the biological resources, or eliminate important examples of California history or prehistory. The mitigation measures and standard permit conditions would also ensure that the Project’s contribution

to cumulative impacts would not be cumulatively considerable, and the Project would not cause substantial adverse effects on human beings, either directly or indirectly.

**PUBLIC REVIEW PERIOD**









Before 5:00 p.m. on **May 16, 2022**, any person may:

1. Review the Draft MND as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, CAWD staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

<u><i>Rachel L Lather</i></u> <a href="#">Rachel L Lather (Apr 4, 2022 15:13 PDT)</a>	Apr 4, 2022
Rachel Lather, ME, PE, District Engineer	Date
<u><i>Barbara Buikema</i></u> <a href="#">Barbara Buikema (Apr 4, 2022 14:49 PDT)</a>	Apr 4, 2022
Barbara Buikema, General Manager	Date

Created:	2022-04-04
By:	Adobe2 CAWD (adobe2@cawd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAdT8OeZ_M-DKJEDpgFEGBDIDV2zwB7ItH

## "Carmel\_MND" History

-  Document created by Adobe2 CAWD (adobe2@cawd.org)  
2022-04-04 - 9:26:43 PM GMT
-  Document emailed to Barbara Buikema (buikema@cawd.org) for signature  
2022-04-04 - 9:27:28 PM GMT
-  Email viewed by Barbara Buikema (buikema@cawd.org)  
2022-04-04 - 9:48:56 PM GMT
-  Document e-signed by Barbara Buikema (buikema@cawd.org)  
Signature Date: 2022-04-04 - 9:49:24 PM GMT - Time Source: server
-  Document emailed to Rachel L Lather (lather@cawd.org) for signature  
2022-04-04 - 9:49:26 PM GMT
-  Email viewed by Rachel L Lather (lather@cawd.org)  
2022-04-04 - 9:49:40 PM GMT
-  Document e-signed by Rachel L Lather (lather@cawd.org)  
Signature Date: 2022-04-04 - 10:13:54 PM GMT - Time Source: server
-  Agreement completed.  
2022-04-04 - 10:13:54 PM GMT