

# Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: \_\_\_\_\_

Project Title: Triangle Rock Culverts Project

Lead Agency: San Luis Water District

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Project Location: Merced County  
*City* *County*

Project Description (Proposed actions, location, and/or consequences).

Please see attached Project Description.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Please see attached Mitigation Monitoring and Reporting Program.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

No known areas of controversy.

Provide a list of the responsible or trustee agencies for the project.

Not applicable.

# PROJECT DESCRIPTION

## Project Title

Triangle Rock Culverts Project

## Project Location

The Project is located in Merced County, California, approximately 111 miles south of Sacramento. The Project Area is located approximately on Assessor's Parcel Number(s) 083-210-022, and 088-070-002. The proposed culvert locations are located within the existing Triangle Rock Plant/Facility/Quarry. The centroid of the northwest culvert Project Area is 37° 01' 09.77" N, 120° 53' 51.94" W. The centroid of the southeast culvert Project Area is 37° 00' 36.69" N, 120° 54' 16.66" W. Township/Range/Section for the northwest culvert Project area is T10S/R01E/S32. Township/Range/Section for the southeast culvert Project area is T11S/R01E/S05.

## General Plan Designation and Zoning

Project Area	General Plan Designation	Zoning District
<b>ONSITE</b>	Agriculture	A1 - General Agriculture
<b>ADJACENT LANDS</b>	Agriculture	A1 - General Agriculture

## Description of Project

The Triangle Rock Products Los Banos facility currently uses and maintains two existing dry creek crossings over Los Banos Creek. The dry creek crossings are permitted via an existing Streambed Alteration Agreement (SAA; File No. R4-2001-0098D). The creek crossings can only be used when the creek is dry pursuant to the terms of the existing SAA. Periodic water releases from Los Banos Creek Detention Dam between September and March close the creek crossings and cut off vehicle access between resource recovery sites and the processing facility when the road is inundated by creek flow. The proposed Project will install two culvert pipes at the south crossing and three culvert pipes at the north crossing to divert flow under the improved access road to facilitate year-round vehicle use of the road. The improved road crossings will facilitate continuous vehicle transport over Los Banos Creek from permitted and existing mineral resource recovery sites to the processing plant at all times of the year. While the Project will facilitate continuous transport over Los Banos Creek, the total number of truck trips would not be increased as facility production is limited by Triangle Rock's air permits. As an ancillary benefit, the Project will also facilitate permitted and existing water management activities in the region.

# CHAPTER 5 MITIGATION, MONITORING, AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project in Merced County. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

**Table 5-1: Mitigation, Monitoring, and Reporting Program** presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 5-1: Mitigation, Monitoring, and Reporting Program** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the Lead and Responsible Agencies to ensure that individual mitigation measures have been complied with and monitored

**Table 5-1: Mitigation, Monitoring, and Reporting Program**

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<b>Biological Resources</b>						
<b>Burrowing Owl</b>						
<b>BIO-1</b>	<b>(Avoidance):</b> The Project’s construction activities will occur, if feasible, between September 1 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	Prior to construction	Once	SLWD		
<b>BIO-2</b>	<b>(Pre-construction survey):</b> A qualified biologist will conduct a pre-construction survey for burrowing owls in areas of suitable habitat on and within 50 feet of the Project Area. This survey would occur regardless of the time of year, as burrowing owls may use the Project Area during the non-nesting season. A survey will be conducted 14 days prior to the start of ground disturbing activities using methods in accordance with Appendix D of CDFW’s Staff Report on Burrowing Owl Mitigation (2012). If no occupied burrows are found, a letter report documenting the survey methods and results will be submitted to the District and CDFW and no further mitigation will be required.	Prior to construction	Once	SLWD		
<b>BIO-3</b>	<b>(Buffer):</b> If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows will not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer will depend on the time of year and level of disturbance, as outlined in the CDFW Staff Report (2012, p. 9). If an active burrow is found during the nonbreeding season (September 1 through January 31) and cannot be avoided, owls will be relocated to suitable habitat outside of the Project Area using passive or	On discovery of active burrows near work areas.	Once	SLWD		

Mitigation, Monitoring, and Reporting Program						
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	active methodologies. A Burrowing Owl Exclusion Plan will be developed in consultation with CDFW. No Burrowing Owls will be excluded from occupied burrows until approval is received by CDFW, as per the guidelines in the CDFW Staff Report (2012, p. 11).					
<b>BIO-4</b>	<b>(Exclusion Plan):</b> If an active burrow is found during the nonbreeding season (September 1 through January 31) and cannot be avoided, a Burrowing Owl Exclusion Plan will be developed in consultation with CDFW, and owls may be relocated to suitable habitat outside of the Project Area using passive or active methodologies. Exclusion may result in a significant impact, so no Burrowing Owls will be excluded from occupied burrows until approval is received by CDFW, as per the guidelines in the CDFW Staff Report (2012, p. 11).	On discovery of active burrows near work areas.	Once	SLWD		
<b>BIO-5</b>	<b>(Consultation with CDFW):</b> If avoidance and disturbance-free buffers of a Burrowing Owl burrow is not feasible, work will cease and CDFW will be immediately consulted to determine the best course of action.	If avoidance and buffers are not feasible.	Once	SLWD		
<b>Swainson's Hawk</b>						
<b>BIO-6</b>	<b>(Pre-construction survey):</b> If construction, grading, or Project-related improvements are to commence between February 1 and September 15, focused surveys for Swainson's Hawk nests should be conducted by a qualified biologist within a 0.5 mile radius of Project activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). If active nests are found, CDFW should be contacted to determine appropriate protective measures, and these measures should be implemented prior to the start of any ground-disturbing activities. If no active nests are found	Prior to construction	Once	SLWD		

Mitigation, Monitoring, and Reporting Program						
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	during the focused survey, no further measures are required.					
<b>BIO-7</b>	<b>(Avoidance and Minimization Plan):</b> If an active Swainson’s Hawk nest is found within 0.25 miles of the Project footprint, an avoidance and minimization plan will be prepared in consultation with the District and CDFW. The avoidance and minimization plan will be implemented only upon District and CDFW approval. The plan may include, but is not limited to: work windows until the nest is inactive, worker awareness training, avoidance radius around the active nest, installation of visual barriers, and nest monitoring during construction.	Upon discovery of active nests	Once	SLWD		
<b>BIO-8</b>	<b>(Buffers):</b> On discovery of any active nests near work areas, a 0.5-mile disturbance-free buffer will be implemented around active Swainson’s Hawk nests based on applicable CDFW and/or USFWS guidelines. Construction buffers will be identified with flagging, fencing, or other easily visible means, and will be maintained until a qualified biologist has determined that the nestlings have fledged.	Upon discovery of active nests	Once	SLWD		
<b>BIO-9</b>	<b>(CDFW Consultation):</b> In the event an active Swainson’s Hawk nest is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, CDFW may require a take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.	Upon discovery of active nests	Once	SLWD		
<b>Nesting Birds</b>						
<b>BIO-10</b>	<b>(Avoidance):</b> Vegetation removal, grading, or initial ground-disturbance, should be conducted between September 1 and January 31 (outside of the February 1 to August 31 nesting season) to the greatest extent feasible.	Prior to construction	Once	SLWD		
<b>BIO-11</b>	<b>(Pre-construction survey):</b> If these activities must be conducted during the nesting season, a pre-	Prior to construction	Once	SLWD		

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	construction nesting bird survey should be conducted by a qualified biologist no more than 14 days prior to vegetation removal, grading, or initial ground disturbance. The survey will include the Project Area and surrounding 250 feet to identify the location and status of any nests that could potentially be affected either directly or indirectly by these activities.					
<b>BIO-12</b>	<b>(Buffers):</b> If active nests of native nesting bird species are located during the nesting bird survey, a work exclusion zone should be established around each nest by the qualified biologist. Established exclusion zones should 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 would be determined by a qualified biologist and would 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 would 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.	Prior to construction	Once	SLWD		
<b>BIO-13</b>	<b>(CDFW Consultation):</b> In the event an active nest is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid impacts to nesting bird species.	Prior to construction	Once	SLWD		
<b>Roosting Bats</b>						
<b>BIO-14</b>	<b>(Avoidance):</b> Construction activities will be limited to daylight hours to reduce potential impacts to special status bats that could be foraging onsite.	During construction	Daily	SLWD		
<b>BIO-15</b>	<b>(Pre-construction survey):</b> A pre-construction survey will be performed for Project activities that fall	Prior to construction	Once	SLWD		



Mitigation, Monitoring, and Reporting Program						
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	between March 1 and September 30 (bat maternity season) to identify possible or current bat roosting locations. A qualified biologist will conduct the survey 7 days or less prior to construction. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed roosting or breeding, then no further action will be required, and construction can proceed.					
<b>BIO-16</b>	<b>(Buffers):</b> If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.	Prior to construction	Once	SLWD		
<b>BIO-17</b>	<b>(Monitoring):</b> If an active bat roost is found, a qualified biologist will conduct monitoring surveys during the first two days of construction at the roost location confirm that vibration from the equipment does not disturb the active bat roost and cause roost abandonment.	During construction	First two days of construction	SLWD		
<b>General Mitigation Measures</b>						
<b>BIO-18</b>	<b>(WEAP Training):</b> An environmental awareness training program will be given to all contractor crew members working on the Project. The training would be given by a qualified biologist and would include education on sensitive resources such as protected wildlife with the potential to occur within the Project Area, water quality, and environmental protections and mitigation measures.	Prior to construction	Once	SLWD		
<b>BIO-19</b>	<b>(BMPs):</b> Erosion control measures would be utilized throughout all phases of the Project where sediment runoff from construction may potentially enter nearby waters. Appropriate sediment and erosion	During construction	Daily, as applies to the construction work that is occurring.	SLWD		

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	<p>control BMPs (e.g., use of silt fencing and/or straw wattles around the perimeter of the construction zone) will be implemented during and following construction to minimize surface runoff originating from the Project and thereby protect water quality of Los Banos Creek. Erosion control structures would be monitored for effectiveness and would be repaired or replaced as needed.</p> <ul style="list-style-type: none"> <li>i. Prior to construction, an Accidental Spill Prevention and Cleanup Plan would be prepared. This plan would include required spill control absorbent material, for use beneath stationary equipment, to be present on-site and available at all times.</li> <li>ii. No fueling, cleaning, or maintenance of vehicles or equipment would take place within any areas where an accidental discharge may cause hazardous materials to enter waterways.</li> <li>iii. Any equipment or vehicles used for the Project would be checked and maintained daily to prevent leaks of fluids that could be deleterious to aquatic habitats.</li> <li>iv. All equipment would be cleaned before arriving on the site and before removal from the site to prevent spread of invasive plants.</li> </ul>					

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	<p>v. To avoid establishment of invasive, non-native plant species on or adjacent to the Project Area, the following measures will be implemented:</p> <ol style="list-style-type: none"> <li>1. Vegetation disturbances will be limited to those areas identified on construction plans and maps as slated for development or construction staging.</li> <li>2. Erosion and sediment control materials will be certified as weed-free.</li> <li>3. Native and compatible non-native plant species will be used for revegetation. The list of plant species is included in the attached list (See Biological Evaluation: Appendix E).</li> <li>4. The revegetation seed mix would not include invasive non-native plants that threaten wildlands according to the California Invasive Plant Inventory made available by the California Invasive Plant Council (Cal-IPC).</li> </ol> <p>vi. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, would be located outside of the stream channel banks and outside of nearby waters.</p> <p>vii. Stationary equipment such as motors, pumps, and generators, located adjacent to aquatic features would be positioned over secondary containment sufficient to arrest a catastrophic failure.</p>					

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	<p>viii. Stockpiles of excavated soil or other would be covered when not in active use (i.e. would not be used, or moved for 72 hours). All trucks hauling soil, sand, and other loose materials would be covered.</p> <p>ix. No motorized equipment would be left within the channel overnight.</p>					
<b>BIO-20</b>	<b>(Establish Access Points):</b> Prior to construction, locations and equipment access points that minimize channel and bank disturbance would be determined. Pre-existing access points would be used whenever possible. Unstable areas, which may increase the risk of channel instability, would be avoided.	Prior to construction	Once	SLWD		
<b>BIO-21</b>	<b>(Protective Fencing):</b> Silt fencing and construction fencing (or flagging to make the silt fencing more visible) will be installed above the OHWM of the Los Banos Creek to prevent soils and sediment from entering the streambed, and the final location of the installed fencing will be approved by a qualified biologist prior to initiation of construction activities. The fencing will be monitored regularly during construction activities to ensure that the fencing remains intact and functional, and that encroachment has not occurred into the sensitive habitat or boundary; any repairs to the fence or encroachment correction will be conducted immediately. At the end of the Project all temporary flagging, fencing, or other materials would be removed from the work areas and vicinity of the channel.	Prior to construction	Once	SLWD		
<b>BIO-22</b>	<b>(Avoid Sensitive Habitat):</b> Encroachment into the sensitive habitat, riparian areas, and buffer will be prohibited by construction personnel, and storage	Prior to construction	Once	SLWD		

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	of materials or equipment will be prohibited in this area. Exclusion fencing at direction of qualified biologist will be installed to ensure visibility of these resources so that they can be avoided.					
<b>BIO-23</b>	<b>(Work in Dry Conditions):</b> Construction activities associated with the culvert installation will be conducted outside of planned Los Banos Creek Reservoir and Dam water release events. If work during flowing conditions is unavoidable, a temporary cofferdam will be placed at the upstream end of work limits. The cofferdams would result in temporary dewatering of the work area. Once Project activities are completed, the temporary coffer dam would be removed and the area would be restored to pre-construction conditions. No cofferdams will be necessary during work in no flow conditions..	Prior to construction, during construction	Daily when conditions could be wet.	SLWD		
<b>BIO-24</b>	<b>(Compensatory Mitigation):</b> Compensatory mitigation for permanent loss of Waters of the United States and Waters of the State shall be required by either purchasing appropriate mitigation credits from an approved mitigation bank, payment of in-lieu fees to an approved public agency or conservation organization (e.g., a local land trust) for the implementation of compensatory mitigation projects, or via permittee responsible mitigation which would involve creating, restoring, or enhancing analogous habitat types. The ratio for acres of mitigation to acres impacted shall be 1:1.			SLWD		
<b>Cultural Resources</b>						
<b>CUL-1</b>	<b>(Archaeological Remains):</b> Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If additional mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.	During construction	Daily	SLWD		

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<b>CUL-2</b>	<b>(Human Remains):</b> In the event that any human remains are discovered on the Project Area, the Merced County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.	During construction	Daily	SLWD		
<b>Geology and Soils</b>						
<b>GEO-1</b>	<b>(Unique Paleontological Resources):</b> If during construction a paleontological resource has been discovered, construction activities shall halt within a 50-foot radius of the discovery. A qualified paleontologist shall be consulted to determine if the paleontological resource is unique. If the resource is unique, the Project Proponent shall cover all expenses to have the resource archived. If the resource is not unique, construction activity within the discovery shall be allowed.	During construction	Continuously	SLWD		
<b>Hydrology and Water Quality</b>						
	See BIO-19 as outlined above					
	See BIO-23 as outlined above					
<b>Tribal Cultural Resources</b>						
	See CUL-1 as outlined above					
	See CUL-2 as outlined above					
<i>Table Notes</i>						