MITIGATED NEGATIVE DECLARATION
OF
BOARD OF DIRECTORS
OF THE
ST. JOHNS WATER DISTRICT

COUNTY CLERK
COUNTY OF TULARE

The project hereafter described will, in our evaluation, have no significant effect on the environment and does not, therefore, require the filing of an Environmental Impact Report.

Board of Directors
St. Johns Water District

By: _____
James Silva, Secretary

Dated: 8.14.24

Project Location:

Modoc Ditch Headgate Structure Replacement at the St. Johns River, City of Visalia.

See Figure 1, attached.

Brief description of project:

The Proposed Project consists of replacing the existing Modoc Ditch Headgate Structure. The existing structure is aged and has insufficient diversion capacity from the St. Johns River. The Proposed Project consists of the removal and replacement of the existing concrete structure and gate. The Proposed Project consists of concrete headwalls to support a new water control gate and a new concrete culvert through the South Bank of the St. Johns River. Proposed Project features will be located above-grade and maintain the current channel invert elevation. Construction activities will include demolition and removal of the existing structure, levee excavation to allow for culvert installation, concrete placement, control gate installation and backfill, compaction and surface restoration efforts to complete the new structure.

Reason(s) for mitigated negative declaration finding:

The Project will result in no adverse long-term environmental impacts. Short-term construction related potential impacts will be mitigated to a less than significant level by use of construction specifications requiring defined mitigation measures.

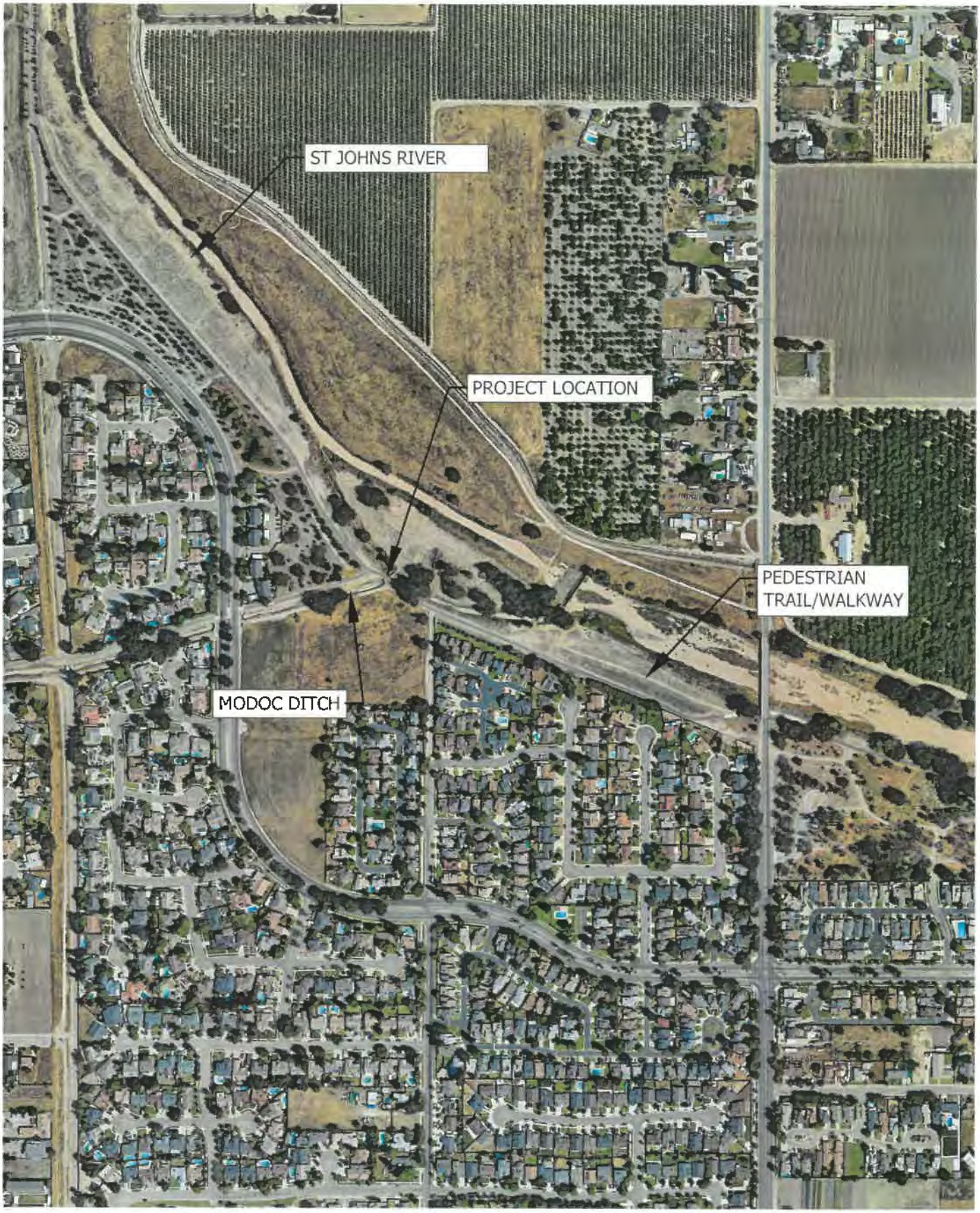
Initial study prepared by:

Dennis R. Keller, Consulting Civil Engineer for
St. Johns Water District

Initial study available at:

St. Johns Water District
15370 Avenue 256
Visalia, CA 93292

FIGURE 1



SCALE: 1"=500'

PROJECT LOCATION

MODOC DITCH HEADGATE STRUCTURE REPLACEMENT

ST JOHNS WATER DISTRICT

DENNIS R. KELLER CCE, INC.

L:\St Johns Water District\Fig 2 PROJECT LOCATION.dwg

MONITORING AND REPORTING PROGRAM

MODOC DITCH HEADGATE STRUCTURE REPLACEMENT

ST. JOHNS WATER DISTRICT

PROJECT DESCRIPTION

The Proposed Project consists of replacing the existing Modoc Ditch Headgate Structure. The existing structure is aged and has insufficient diversion capacity from the St. Johns River. The Proposed Project consists of the removal and replacement of the existing concrete structure and gate. The Proposed Project consists of concrete headwalls to support a new water control gate and a new concrete culvert through the South Bank of the St. Johns River. Proposed Project features will be located above-grade and maintain the current channel invert elevation. Construction activities will include demolition and removal of the existing structure, levee excavation to allow for culvert installation, concrete placement, control gate installation and backfill, compaction and surface restoration efforts to complete the new structure.

The diversion structure improvements will be constructed within the city limits of Visalia along an anabranch of the St. Johns River that lies adjacent to the main channel of the river. Permits are required to be obtained to accommodate construction, operation and maintenance of the Project improvements.

NESTING RAPTORS AND MIGRATORY BIRDS AND THEIR NESTS

Nesting raptors and migratory birds, their eggs and their nests could potentially inhabit fields, field edges and adjacent lands and could potentially be negatively impacted by construction of the Project unless preventive measures are incorporated into the Project design. No nesting birds or nests were observed on the Project site during the conducted reconnaissance survey, however, the survey was conducted outside of the avian nesting period of February 1 through August 31.

To protect and preserve nesting raptors and migratory birds and their nests, to avoid any impacts to them and their nests and to meet California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) requirements, the following impact avoidance preventive measures are incorporated into the Project:

NB #1. Preconstruction Surveys. If Project construction occurs between the period of February 1 and August 31, preconstruction (one-day) surveys shall be conducted by a qualified biologist for nesting birds and active nests on the Project site within 10 days prior to any construction activity. The survey area

will encompass the Project site and accessible surrounding lands within 250 feet for nesting migratory birds and 500 feet for raptors. Results of any such preconstruction survey shall be prepared and transmitted to the District prior to initiation of any construction activities; and

NB #2. Avoidance of Active Nests. If any active nests are observed within or near a construction site, a biologist will establish a suitable construction free buffer around the nest. A buffer will be established on the ground with flagging or fencing. The buffer will be maintained until the biologist determines that the young birds have fledged and are capable of foraging independently.

SWAINSON'S HAWK

The Swainson's Hawk is known to nest within 10 miles of the Proposed Project. Suitable nesting sites exist within the Project area. The possibility exists that construction activities may affect nesting Swainson's Hawks. To protect the Swainson's Hawk from construction-related disturbances, the following impact avoidance preventative measures are incorporated into the Project:

SH #1. Preconstruction Surveys. If Project construction occurs between the period of March 1 and September 15, a qualified biologist will conduct a pre-construction survey for Swainson's Hawk nesting on and within one-quarter (¼) mile of the Project site. Any such pre-construction survey will be conducted within 30 days prior to the start of construction activities;

SH #2. Establishment of Buffer Zone. Upon discovery of an active nest, a biologist will identify a suitable construction-free buffer zone around any such nest. The buffer zone will be established with flagging or fencing. The buffer zone will be maintained until a biologist establishes that the young birds have fledged; and

SH #3. Monitor Nest. If construction activity occurs within a designated buffer zone, a qualified biologist will monitor the nest daily for one week and, thereafter, once per week during construction within the buffer zone, or until the nest is no longer active, whichever comes first. If at any time the biologist determines that construction activity is compromising nesting success, construction activity within the buffer zone will be altered or suspended until the biologist determines that the nest is no longer at risk of failing or has failed due to a non-construction related cause.