

Jubilee Mutual Water Company/Gordon Acres Consolidation Project- Addendum

Lucerne Valley, San Bernardino County, CA

SCH No. 2019029128

DFA FA Nos. DFA-15-02004; SWRCB0000000000D2002009

August 2023

CEQA Modification

The Project's Initial Study and Mitigated Negative Declaration (IS/MND) notes a portion of the proposed Project will include "Replacement of (Jubilee Mutual Water Company's) existing Well No. 4 with a new well at the same site with depth and production approximating Well No. 4". In advance of construction, the project proponent, Jubilee Mutual Water Company (JMWC), purchased two adjacent parcels (APNs 0449-631-57 and 0449-631-69) in anticipation of developing storage tanks and a production well. The original IS/MND notes the replacement well will be located adjacent to Well No. 4 (APN 0449-701-22). JMWC desires to construct the replacement well on APN 0449-631-57, adjacent to the proposed storage tanks. The proposed location of the storage tanks is unchanged from the original IS/MND (APN 0449-631-57). Figure 1 shows the location of existing Well No. 4 and the revised location of the proposed replacement well. Figure 2 shows the location of the proposed well in relation to the proposed storage tanks and the property lines of APN 0449-631-57.

This Addendum addresses the modified location of the proposed replacement well and adds detail to the proposed construction of the replacement well. According to California Code of Regulations, title 14, section 15164, "An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred." The Lead Agency has determined an addendum as the appropriate course of action as none of the conditions listed in section 15162 exist. The Project will not have one or more significant effects not discussed in the previous negative declaration, substantial changes, new information of substantial importance or any new mitigation measures that require the preparation of a subsequent negative declaration.

Proposed Project Change

The proposed replacement well will be drilled on a JMWC-owned parcel (APN 0449-631-57), and not within the parcel containing the existing Well No. 4 (APN 0449-701-22). Electrical service to the well site will be provided by Southern California Edison. A temporary/portable electrical generator will be brought to the site for periodic system testing and during extended grid outages. The proposed well will have a final depth of approximately 600 feet, with a casing diameter of 10 inches. During drilling, a 6-inch pilot hole will be drilled to approximately 810 feet. The additional depth is proposed to investigate geologic conditions, including water production capacities and water quality at various depths.

The proposed well will connect to the proposed adjacent storage tanks via above and below grade piping and conduits, located in various locations on the northern end of APN 0449-631-57. The well, storage tanks, and generator will be surrounded by a new fence with gates. The site will be visited by JMWC personnel approximately daily. Contractors for well, generator, and storage tank maintenance, inspection, and equipment replacement will be present at the site approximately annually.

The proposed well pump and motor assembly will be submersible. Therefore, noise production from permanent on-site equipment will be negligible. The temporary/portable emergency generator will operate during periodic testing and during extended power outages. The proposed well will have a pumping rate of approximately 200gpm.

Impacts to Biological Resources from Proposed Change

The revised location of the proposed replacement well is within the study area of the General Biological Resources Assessment (RCA Associates), Burrowing Owl Focused Survey Report (RCA), and the Focused Desert Tortoise Survey Report (RCA). From the original IS/MND:

Results of Focused Desert Tortoise Survey

No desert tortoises, tortoise scats, or tortoise burrows were observed within the proposed Project area during the field surveys (RCA 2018b). The project sites are located within the known distribution of desert tortoise and the species has been observed within approximately six miles of the Project sites according to the CNDDDB (CNDDDB, 2017). Suitable habitat for the desert tortoise is present throughout the site and the surrounding area (RCA 2018a, b).

Results of Focused Burrowing Owl Survey

No burrowing owls or owl sign were observed during the field surveys and no suitable burrows were identified (RCA 2018c). However, due to the presence of habitat for burrowing owls and the recorded sighting of the species within 2.5 miles of the Project area, there is potential for the species to occur.

Migratory Birds and Raptors

No migratory birds or nesting activities were observed during the field surveys for the General Biological Resources Assessment or the Burrowing Owl Focused Survey Report. In compliance with USFWS guidance, a pre-construction survey will be performed by a qualified biologist that documents that no actively nesting migratory birds or raptors are present prior to any brushing, clearing and/or grading, or other construction activities during the breeding season of nesting migratory birds and raptors (January 1st to August 31st). If any active migratory bird or raptor nests are detected, an area 300 feet from each nest will be staked and posted to prohibit all clearing, grubbing and construction work within the perimeter until the qualified biologist determines that the nests are no longer occupied (RCA 2018a).

The IS/MND notes that the Project is anticipated to have an adverse effect to candidate, sensitive, or special status species that is "Less Than Significant With Mitigation Incorporated". JMWC proposes to implement the biological mitigation measures noted in the original IS/MND. These mitigation measures are also noted below.

The IS/MND notes the project will have No Impact to riparian habitat, wetlands, migratory fish or wildlife species, and it will not conflict with local policies or ordinances or an adopted Habitat Conservation Plan.

Impacts to Cultural Resources from Proposed Change

The revised location of the proposed replacement well is within the study area of the Project's Archeological Resources Investigation (Applied Earthworks), which is referenced in the original IS/MND. From the original IS/MND:

A cultural resources study for the Project area was conducted by Applied Earthworks. The study included a records search of the California Historical Resources Information System, tribal outreach, and a field survey. The records search indicated three resources in the project area including two historic-era roads and a historic-era refuse dump. The Sacred Lands File Search completed on January 9, 2018 by the Native American Heritage Commission (NAHC) returned negative results for the project area. The NAHC provided a list of tribes culturally affiliated with the project area including the Morongo Band of Mission Indians, the San Fernando Band of Mission Indians, the San Manuel Band of Mission Indians, the Serrano Nation of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians. Project notification letters were sent to the tribes on January 10, 2018. Anthony Madrigal Jr., THPO of the Twenty-Nine-Palms Band, stated he was not aware of any cultural resources within the project area and requested a copy of the cultural report. Jessica Mauck, Cultural Resources Analyst, for the San Manuel Band of Mission Indians, also requested a copy of the report from the Lead Agency. Copies of the report were sent to the requesting individuals.

The three resources recorded in the project area are not historical-resources or unique archaeological resources under CEQA.

The IS/MND notes that No Impact is anticipated to Cultural Resources. However, note the mitigation measure below regarding Tribal Cultural Resources.

Impacts to Tribal Cultural Resources from Proposed Change

The revised location of the proposed replacement well is within the study area of the Project's Archeological Resources Investigation (Applied Earthworks), which is referenced in the original IS/MND. From the original IS/MND:

Tribal cultural resources listed or eligible for listing on the California Register of Historical Resources were not identified in the Project area.... The San Manuel Band of Mission Indians (SMBMI) consulted with the State Water Board for the Project, and noted that although Project area was not in a sensitive area for tribal cultural resources, the SMBMI requested standard mitigation measures for inadvertent discovery be included in the environmental document. In the unlikely event that tribal cultural resources are encountered during Project construction, Mitigation Measure TCR-1 shall be implemented.

Mitigation Measures

The original CEQA document notes four biological and one tribal cultural resources mitigation measures. JMWC intends to continue compliance with these measures, including at the revised location of the proposed replacement well. The mitigation measures consist of the following:

Mitigation Measure BR-1:

If vegetation removal or ground disturbance activities occur during the nesting season (January 1st to August 31st), a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than two weeks prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the preconstruction survey, the site shall be resurveyed.

If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 300 feet of an active nest unless a smaller buffer zone is authorized by a qualified biologist in consultation with the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. If any active nests associated with migratory bird species or raptors are encountered during Project construction, construction activities within the 300-foot zone will be delayed until nesting activities have ceased as determined by a focused survey to be performed by the qualified biologist. Guidance from CDFW shall be requested if the nestlings within an active nest appear disturbed. The qualified biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The qualified biologist shall report any “take” of active nests to CDFW.

Mitigation Measure BR-2:

Pre-construction surveys for desert tortoise shall be conducted by a qualified biologist no more than two weeks prior to the commencement of Project-related ground disturbance. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the Project, as well as a reasonable buffer around these areas. Should desert tortoise be encountered, CDFW and USFWS shall be contacted to discuss additional mitigation measures which may be required.

Mitigation Measure BR-3:

- Clearing of the Project area including blading of new access or work areas shall be minimized to the extent possible. Disturbance to shrubs shall be avoided if possible. If shrubs cannot be avoided during equipment operation or vehicle use,

wherever possible they should be crushed rather than excavated or bladed and removed.

- Project features that might trap or entangle desert tortoises, such as open trenches, pits, open pipes, etc shall be covered at the end of each work day or modified to prevent entrapment through the installation of escape ramps or sloped at the ends at a 3:1 ratio.
- After completion of the Project, trenches, pits, and other features in which tortoises could be entrapped or entangled, shall be filled in, covered, or otherwise modified so they are no longer a hazard to desert tortoises.
- Unleashed dogs shall be prohibited in Project areas.
- Temporary fencing, such as chicken wire, snow fencing, chain link, and other suitable materials shall be used in designated areas to reduce encounters with tortoises.
- In potential desert tortoise habitat project-related vehicles shall not exceed 15 miles per hour on unpaved roads.

Mitigation Measure BR-4:

Pre-construction surveys for Parish's daisy shall be conducted concurrent with pre-construction surveys for the desert tortoise (BR-2) by a qualified biologist no more than two weeks prior to the commencement of Project-related ground disturbance. Pre-construction surveys shall encompass all areas of the Project, as well as a reasonable buffer around these areas even if these areas are not within the potential footprint of the desert tortoise (BR-2). Should Parish's daisy be encountered, proposed facilities will be examined for reasonable rerouting or relocation. If facilities cannot reasonably be rerouted or relocated, CDFW and USFWS shall be contacted to discuss possible species relocation and additional mitigation measures which may be required.

Mitigation Measure TCR-1:

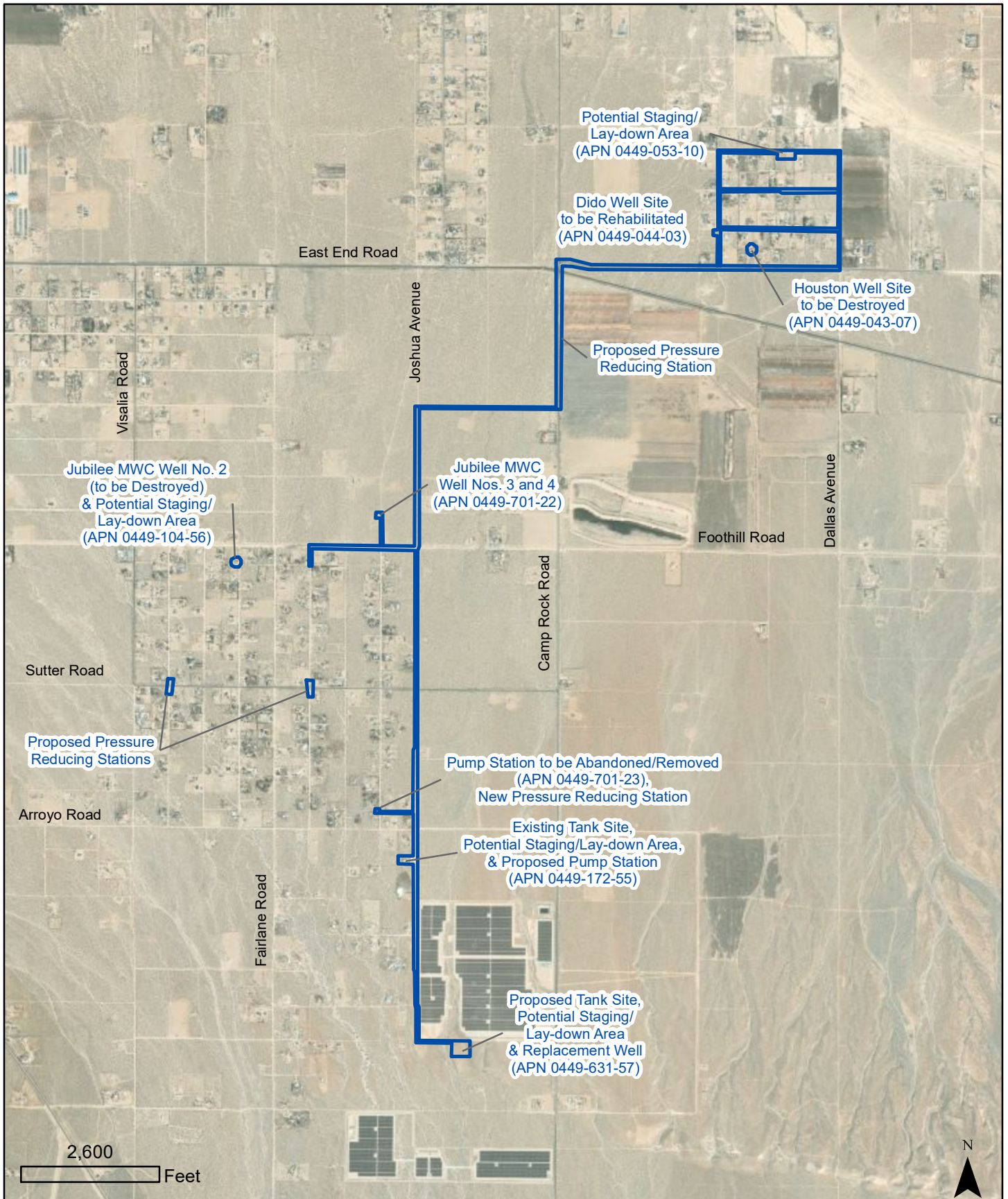
In the event that Native American cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior (SOI) Professional Qualification Standards in archaeology shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians and the State Water Board will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input. The archaeologist shall complete an isolate record for the find and submit this document to the applicant and State Water Board for dissemination to the San Manuel Band of Mission Indians.


If significant Native American historical resources are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to the State Water Board and the San Manuel Band of Mission Indians for review and comment.

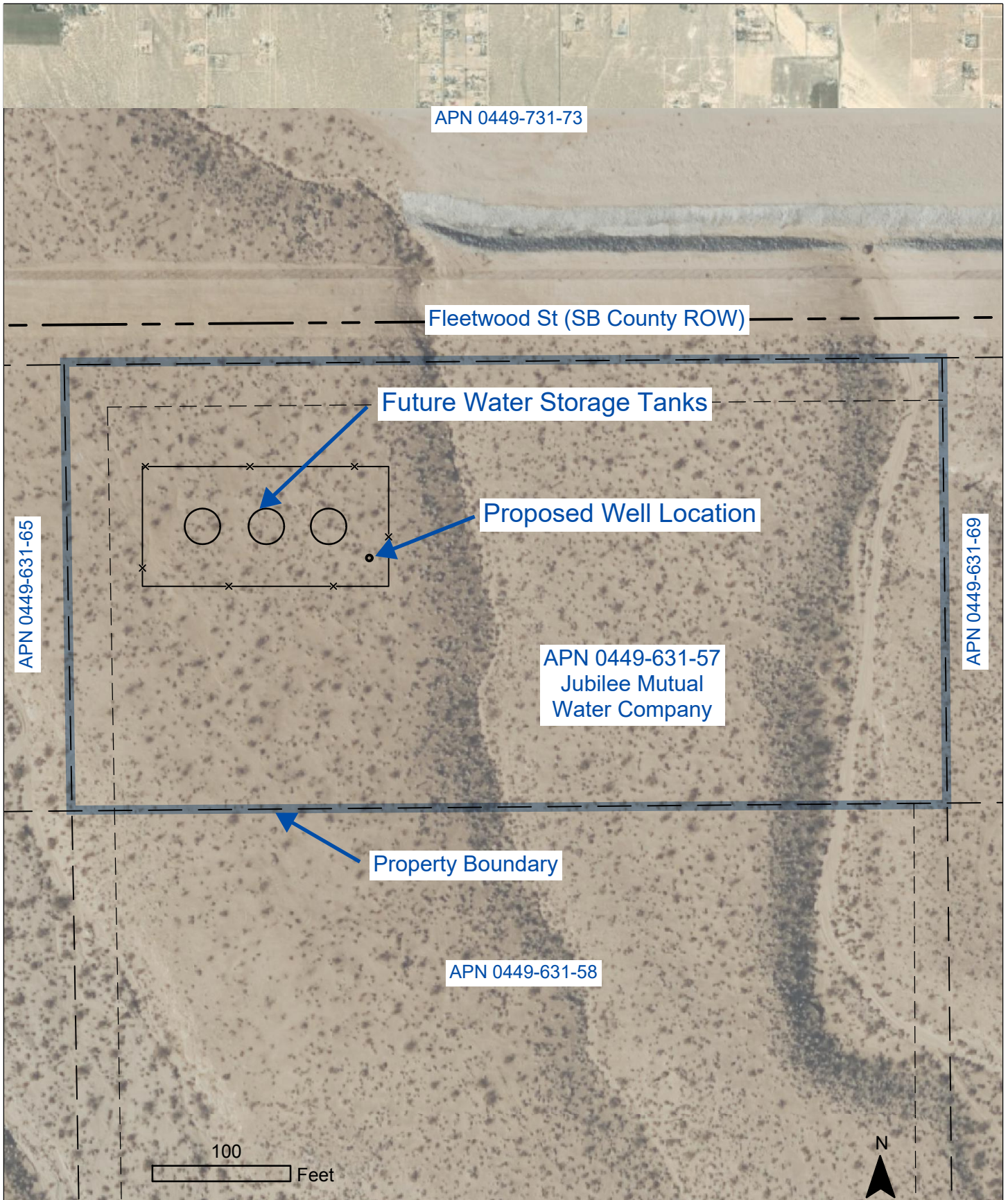
a) All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).

b) The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the Project.

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	<p>FIGURE 1</p>		DES: RDD	DR: RDD
<p>PROJECT NO. 226815-0000042.03</p>		<p>DATE: 6/16/2023</p>		<p>SHT 1 OF 2</p>



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CEQA ADDENDUM
 INITIAL STUDY/
 MITIGATED NEGATIVE DECLARATION

FIGURE 2

FOR:
**GORDON ACRES
 WATER COMPANY**

DES: RDD | DR: RDD | CHK: JO

PROJECT NO. 226815-000042.03

DATE: 6/23/2023

SHT 2 OF 2