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Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

☐ County Clerk

County of: _____

Address: _____

From:

Public Agency: St. Water Resources Control Board

Address: Div. of Water Quality

1001 I St., 15th Floor, Sacramento, CA 95814

Contact: Cliff Harvey

Phone: 916.558.1709

Lead Agency (if different from above): _____

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.State Clearinghouse Number (if submitted to State Clearinghouse): 2014091071Project Title: Los Padres National Forest Road Repair ProjectProject Applicant: US Dept. of Transportation - Federal Highway AdministrationProject Location (include county): Los Padres National Forest; Santa Barbara, Ventura, Monterey

Project Description:

Project will repair 18 stream crossings on Los Padres National Forest System Roads at locations throughout the Los Padres National Forest. Typical work includes culvert replacements, repair of roads damaged by landslides, and repair of undercut low water crossings.

This is to advise that the State Water Resources Control Board - Div. of Water Quality has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on December 18, 2014 and has made the following determinations regarding the above
(date)
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

State Water Resources Control Board-Divison of Water Quality, 1001 I St., Sacramento, CA 95814

Signature (Public Agency): Thomas AuerTitle: Executive DirectorDate: 12/18/14

Date Received for filing at OPR: _____

RECEIVED

DEC 18 2014

Revised 2011

Los Padres National Forest Road Repair Project -- SCH No. 2014091071

Mitigation Monitoring and Reporting Plan – Acronyms and Abbreviations

APE: Area of Potential Effect (i.e., cultural resources survey area)

BA: Biological Assessment: LPNF *Biological Assessment for Federally Listed Wildlife Species for the 2011-2012 Emergency Relief for Federally Owned Roads Projects, Los Padres National Forest* (June, 2013)

BR: Biological Resources

CARLF: California red-legged frog

CDFW: California Department of Fish and Wildlife

CEQA: California Environmental Quality Act

CFLHD: Central Federal Lands Highway Division (a division of FHWA)

CLL: California legless lizard

Corps: U.S. Army Corps of Engineers

CR: Cultural Resources

ERFO: Emergency Relief for Federally Owned Roads

FHWA: US Department of Transportation – Federal Highway Administration

GEO: Geology and Soils

HAZ: Hazardous Materials

IS/MND: Initial Study/Mitigated Negative Declaration

LPNF: Los Padres National Forest

MMRP: Mitigation Monitoring and Reporting Plan

NEPA: National Environmental Policy Act

Programmatic BO: Biological Opinion for Ongoing Activities Related to Transportation Facility Maintenance and Use, Los Padres National Forest, California (8-8-12-F-43) (September 30, 2013)

Project BO: USFWS *Biological Opinion for Ongoing Activities Related to Transportation Facility Maintenance and Use, Los Padres National Forest, California (8-8-12-F-43)*, September 30, 2013, and *Biological Opinion for Emergency Relief for Federally Owned Roads Projects, Los Padres National Forest, California (8-8-13-F-48)* (May 29, 2014).

SBRD: Santa Barbara Ranger District

SCC: Species of Special Concern

Steelhead BA: *Biological Assessment for the Southern California Distinct Population Segment Steelhead for the 2011-2012 Emergency Relief for Federally Owned Roads Project, Ojai Ranger District, Los Padres National Forest*, May 2013.

SW-WIFL: Southwestern willow flycatcher

US, U.S.: United States of America, United States

USDA: US Department of Agriculture

Attachment C - CEQA Findings
Los Padres National Forest Road Repair Project
State Clearinghouse Number 2014091071

Reg. Meas. ID: 397745
Place ID: 808576

USFS: U.S. Forest Service

USFWS: U.S. Fish and Wildlife Service

I. Introduction

Pursuant to California Environmental Quality Act (CEQA), these Findings of Fact (Findings) support the issuance of this Certification based on the Los Padres National Forest (LPNF) Road Repair Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND). Other supplemental documentation was reviewed in the preparation of these findings, primarily the Project Categorical Exclusion prepared in compliance with the National Environmental Policy Act (NEPA) by the U.S. Department of Transportation Federal Highway Administration's (FHWA, or Applicant) Central Federal Lands Highway Division (CFLHD) and the application for Certification with attachments. (Cal. Code Regs., tit. 14, §§ 15091 & 15096, subd. (h).)

In preparation of the Findings, the State Water Board has utilized an IS/MND of the proposed Project published by the State Water Board on September 25, 2014, and other relevant material in the State Water Board's administrative record (Cal. Code Regs., tit. 14, § 15096, subd. (f)). Additional documents consulted included related federal documents (studies listed below are available for review by request from the State Water Board):

- *Federal Highway Administration Categorical Exclusion Memorandum - CA ERFO¹ 5N, 6N, 7N, 11 N and CA ERFO 20S05 Various Sites, Los Padre National Forest Monterey, Santa Barbara and Ventura Counties, California.*
- *Biological Assessment for Federally Listed Wildlife Species for the 2011-2012 ERFO Projects LPNF Monterey, Santa Barbara, and Ventura Counties June 2013 (Christopher, 2013a)*
- *Biological Assessment for the Southern California Distinct Population Segment Steelhead for the 2011-2012 ERFO Projects Ojai Ranger District LPNF Ventura County May 2013 (Christopher, 2013b)*
- *Biological Evaluation for Forest Service Sensitive Species, Management Indicator Species and Migratory Bird Evaluations, and Noxious Weed Risk Assessment For the 2011-2012 ERFO Projects LPNF Monterey, Santa Barbara, and Ventura Counties July 2013 (Christopher, 2013c)*
- *Preliminary Hydraulics Recommendations Memorandum (Ghelardi, 2014)*
- *Geotechnical Technical Memorandum (Henwood, 2014)*
- *USFS LPNF Heritage Project Review Memorandum (Galbraith; 2013) August 21, 2013 (R20130701220)*
- *Heritage Resources Assessments for LPNF ERFO Projects Monterey Ranger, Mt. Pinos, Ojai, Santa Barbara and Santa Lucia Districts of LPNF September 13, 2013. Summary of Assessments and Evaluations conducted for ERFO Repair Projects (Lomax, 2013)*

II. CEQA Finding Requirement

Prior to approving or carrying out a project for which a IS/MND has been issued that identifies one or more significant environmental effects, all public agencies must make one or more written findings for each of those significant impacts, accompanied by a

¹ ERFO: Emergency Relief for Federally Owned Roads

brief explanation of the rationale for each finding (Pub. Resources Code, § 21081, subd. (a); Cal. Code Regs., tit. 14, §§ 15091, subd. (a) & § 15082, subd. (b)(2)). This requirement applies to the lead agency and responsible agencies under CEQA (Pub. Resources Code, § 21081; Cal. Code Regs., tit. 14, §§ 15091, subd. (a) & § 15096, subd. (h)). as specified in the Guidelines for the implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, sec. 15000 et seq., hereafter, Guidelines), the possible findings are:

1. Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the IS/MND.
2. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level.
3. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project outweigh any significant and unavoidable or irreversible environmental impact of the Project.

The State Water Board is lead agency under CEQA for purposes of approving Project activities. To that end, these Findings provide the specific reasons supporting the State Water Board's decisions under CEQA as they relate to the issuance of the Project Certification. The Findings are supported by substantial evidence in the State Water Board's administrative record (Cal. Code Regs., tit. 14, § 15091 subd. (b)).

III. Incorporation by Reference

All CEQA Project impacts and mitigation measures, including those discussed below, are analyzed in greater detail in the Project IS/MND which is incorporated herein by reference. The Project IS/MND is available on request from the 401 Certification and Wetlands Program at:

401 Certification and Wetlands Program
State Water Resources Control Board
Division of Water Quality
1001 I Street
P.O. Box 100
Sacramento, CA 95814

CEQA Project mitigation measures and reporting responsibilities are also summarized in the Project Mitigation Monitoring and Reporting Plan (MMRP) (Attachment D to the Certification which is incorporated herein by reference).

Also incorporated by reference into these Findings is FHWA's application for Certification with all attachments, which include detailed Project maps, a detailed Project description, copies of information provided to other resource agencies, and other supporting information.

IV. Environmental Review

The State Water Board posted a notice of intent to adopt the Project IS/MND on September 25, 2014, and announced the availability of those documents for public review on that date with the State Clearinghouse (SCH). The Project was assigned SCH number 2014091071.

One comment letter was received as part of the public review process. This comment expressed two concerns.

First, concerns about impacts to red-legged frogs at one proposed Project site – Big Caliente Creek Milepost 1.9 – were raised. This site was removed from the Project, so those concerns are no longer pertinent.

Second, concerns regarding the efficacy of the mitigation measures for protection of migratory birds were raised; i.e., mitigation measure BR-4. A substitute measure was proposed by the commenter. State Water Board staff reviewed the proposed mitigation measure with staff from California Department of Fish and Wildlife (CDFW), LPNF and FHWA. It was agreed that the proposed measure was feasible, and would provide a greater level of protection. A public hearing pursuant to section 15074.1 of the Guidelines was publicly noticed November 6, 2014, and held on November 17, 2014. Since no opposition to the proposed mitigation measure was presented, the State Water Board has proceeded with substituting it for the original BR-4 in the IS/MND. This is further described in the discussion of specific impacts and measures below.

Note that the substituted mitigation measure BR-4 subsumes the content of the previous mitigation measure BR-5; therefore BR-5 is deleted.

A Notice of Determination (NOD), will be filed with the SCH within five days of the issuance of the water quality certification and the adoption of the IS/MND. The State Water Board prepared a MMRP which will be approved with the issuance of the water quality certification. This MMRP lists all Project mitigation measures and reporting responsibilities, in compliance with Pub. Resources Code § 21081.6 and Cal. Code Regs., tit. 14, § 15097 (Attachment D).

Prior to reaching a decision on the issuance of Certification for the Project, the State Water Board considered the environmental effects of the Project as reviewed in the IS/MND (Cal. Code Regs., tit. 14, § 15096, subd. (f)). The IS/MND specifies mitigation measures for identified impacts, and a MMRP is in place to document the mitigation measures and how they are to be implemented. The Findings specified below are provided for each of those significant Project impacts identified in the IS/MND. No cumulative impacts are identified for this Project.

V. Significant Impacts that are avoided or substantially lessened to a less than significant level by mitigation measures incorporated into, or required as a condition of approval of, the Project

The IS/MND describes various environmental impacts which are presented below, along with State Water Board staff findings and rationale for those findings.

Biological Resources Impact (BR-1) – Impacts to California condors could occur as a result of project activity:

Potential impacts to California Condors could occur as a result of Project activity.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation Measure BR-1, *California Condors*, restricts Project activities in accordance with U.S. Fish and Wildlife Service (USFWS) and USFS guidelines. These restrictions minimize the potential for adverse effects to California condors. Measures include exclusion of work near roost sites and other areas where condor activity has been observed, and provision for ongoing consultation with USFWS when condors are observed near active Project sites. Measures to prohibit trash which may attract condors, and construction materials that may entangle condors, are also specified.

Impact BR-2 – Impacts to threatened or endangered species could occur as a result of project activity:

Threatened or endangered species listed under the federal Endangered Species Act, the California Endangered Species Act, or both (“listed species”), may be encountered during construction activities.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation Measure BR-2, *Observation of Listed Species within Project Area* would require that, upon initiation of work, if any listed species are observed in the Project area, the U.S. Army Corps of Engineers (Corps) shall be notified immediately and work shall be suspended until the Corps, USFS and USFWS complete the appropriate level of consultation, as required in the Project Biological Opinion² (Project BO, pg. 2). Upon

² USFWS *Biological Opinion for Ongoing Activities Related to Transportation Facility Maintenance and Use, Los Padres National Forest, California (8-8-12-F-43)*, September 30,

initiation of work, if any listed species are observed in the Project area, the Corps should be notified immediately and work suspended until the Corps, USFS and USFWS complete the appropriate level of consultation (Project BO, pg. 2). (Note that extensive pre-Project wildlife surveys have been conducted as part of Project planning to identify potential sites.)

Impact BR-3 – Impacts to wildlife could occur as a result of pets being brought into the project area by project personnel:

Presence of pet animals owned by Project personnel could pose a threat to wildlife, including threatened and endangered species. Threats include harassment, predation, or other physical and indirect contact or behaviors that could result in introduction or transmission of diseases, injury, mortality, reproductive failure and other impacts.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation Measure BR-3 provides that pets of Project personnel and employees shall not be allowed on site where they may come into contact with any federally listed species.

Impact BR-4: Site-specific impacts to special status species could occur as a result of project activity; Least Bell's vireo, southwestern willow flycatcher, arroyo toad, California red-legged frog, and southern steelhead trout:

Numerous potential site-specific impacts to Least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*, SW-WIFL), arroyo toad (*Anaxyrus californicus*), California red-legged frog (*Rana draytonii*, CARLF), Southern steelhead rainbow trout (*Oncorhynchus mykiss*, steelhead) and migratory nesting birds could occur due to Project activity. Project activity may adversely affect the various species at various locations. Potential impacts include disturbance of breeding habitat or behavior, direct destruction or degradation of cover or other habitat components, direct injury or mortality of species, and other potentially significant impacts. Locations at which site-specific impacts are possible are listed in Table 1 below, along with the affected species for those sites.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Various mitigation measures are proposed by the Applicant to avoid and minimize environmental impacts due to site specific impacts for all of the sites listed in Table 1. Mitigations include: avoidance of nesting seasons for SW-WIFL, least Bell's vireo and migratory birds; prevention of sediment delivery to streams with steelhead habitat; and surveys and avoidance methods for CARLF and arroyo toad.

Southern steelhead: Mitigation measure BR-4 would protect Steelhead through restriction of operations to periods of low stream flow levels. Measure BR-9 would protect Southern steelhead through avoidance of impacts to riparian areas. Measure BR-10 would prevent water contamination due to concrete transport, pouring, and finishing. Implementation of Measure GEO-1 would prevent water pollution that could result from erosion and sediment delivery to streams.

Migratory Birds including Least Bell's Vireo and SW-WIFL: Measure BR-4 was proposed for protection of migratory birds, and includes requirements to comply with additional species-specific guidance in the program and project Biological Opinions³ issued by the USFWS. Substitute mitigation measures for Migratory birds were proposed by the public during the IS/MND public comment period. These proposed mitigation measures were reviewed by qualified biologists from CDFW and USFS, and found to be more protective than the originally proposed Measure BR-5. The measures were also found to be consistent with, or more protective than measures derived from the USFWS Biological Opinions. The proposed mitigation measures were publicly announced and were the subject of a staff workshop conducted by the lead agency. As no opposition was presented, the State Water Board has substituted the proposed mitigation measures for the original BR-4 measures (copied at the end of these findings as Substitute Measure BR-4). The substituted measure BR-4 subsumed the content of the previous measure BR-5; therefore, measure BR-5 was removed.

Arroyo toad: Mitigation Measure BR-4 was proposed for protection of arroyo toad and CARLF. Measure BR-4 provides for pre-construction surveys, cessation of Project activity at the affected site if arroyo toads are detected, and consultation with USFWS to provide site specific response before work resumes.

CARLF: Mitigation Measure BR-4 was proposed for protection of CARLF. Measure BR-4 would implement the programmatic BO terms and conditions for CARLF, and would limit season of operation to avoid breeding season.

³ The Biological Opinions include the Project BO and the Programmatic BO: i.e., the Biological Opinion for Ongoing Activities Related to Transportation Facility Maintenance and Use, Los Padres National Forest, California (8-8-12-F-43) (September 30, 2013)

Table 1: Sites with specific potential impacts to specific listed Species			
Road	Milepost	Listed Species	Mitigation Measures
Squaw Flat Road, 6N16	1.7	least Bell's vireo, SW-WIFL	BR-4
Squaw Flat Road, 6N16	2.6	Steelhead	BR-4, BR-9, BR-10, GEO-1
Colson Canyon, 11N04.4	3.1	least Bell's vireo, SW-WIFL, CARLF, migratory bird nesting	BR-4
Big Caliente Road, 5N16	1.2	arroyo toad, CARLF, least bell's vireo, migratory bird nesting	BR-4
Big Caliente Road, 5N16	1.9	arroyo toad, CARLF, least bell's vireo, migratory bird nesting, Steelhead	BR-4
Rose Valley Lake Road, 6N31F	0.2	Steelhead	BR-4, BR-9, BR-10, GEO-1

Impact BR-5 -- Migratory bird nesting:

Project activity could disturb nesting migratory birds. Potential impacts include disturbance of breeding habitat or behavior, direct destruction or degradation of cover or other habitat components, direct injury or mortality of species, and other potentially significant impacts. A substitute mitigation measure has replaced the original mitigation measure BR-5 following a staff workshop pursuant to CEQA Guidelines section 15074.5 (see discussion above).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation measure BR-4 is proposed to avoid and minimize environmental impacts to nesting migratory birds due to Project activity.

Impact BR-6: Impacts to Blainville's Horned Lizard, Two-Striped Garter Snake and Southwestern Pond Turtle:

Project activity could adversely affect habitats and individuals of three species of reptiles: Blainville's Horned Lizard (*Phrynosoma blainvillii*), Two-Striped Garter Snake (*Thamnophis hammondi*) and Southwestern Pond Turtle (*Actinemys marmorata pallida*). Potential impacts include disturbance of breeding habitat or behavior, direct destruction or degradation of cover or other habitat components, direct injury or mortality of species, and other potentially significant impacts.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Various mitigation measures are proposed by the Applicant to avoid and minimize environmental impacts to listed reptile species due to Project activity. Measures include pre-construction surveys by qualified monitors using approved survey methods, on-site monitoring during construction, exclusionary devices, and Relocation Out of Harm's Way Plans.

Impact BR-7: Impacts to California Legless Lizard:

Project activity could adversely affect California Legless Lizard (*Anniella Pulchra*, CLL). Potential impacts include disturbance of breeding habitat or behavior, direct destruction or degradation of cover or other habitat components, direct injury or mortality of species, and other potentially significant impacts.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Various mitigation measures are proposed by the Applicant to avoid and minimize environmental impacts to CLL due to Project activity. Measures include pre-construction surveys by qualified monitors using approved survey methods, on-site monitoring during construction, exclusionary devices, and Relocation Out of Harm's Way Plans.

Impact BR-8: Impacts to Blunt-nosed Leopard Lizard could occur as a result of project activity:

Potential impacts to Blunt-nosed Leopard Lizard (*Gambelia sila*, BNLL) include disturbance of breeding habitat or behavior, direct destruction or degradation of cover or other habitat components, direct injury or mortality of species, and other potentially significant impacts.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

As a fully-protected species under the California Fish and Game Code section 5050, detection of species presence on a Project site is crucial for BNLL. Mitigation Measure BR-7 provides a protocol designed to optimize the likelihood of detecting the presence of BNLL should they occur on a Project site. In particular, this measure shall be implemented at the Reyes Creek Road Site (7N11 - 0.2 milepost). This mitigation measure is proposed to avoid and minimize environmental impacts to California legless

lizards due to Project activity. Measures include pre-construction surveys by qualified monitors using approved survey methods, on-site monitoring during construction, exclusionary devices, and Relocation Out of Harm's Way Plans.

Impact BR-9: Riparian areas could be damaged by Project activity:

Project activity, including excavation, could damage or destroy riparian habitats.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Various mitigation measures are proposed by the Applicant to avoid and minimize environmental impacts to riparian areas due to Project activity. Under measure BR-9, the Project will comply with section 157 of the *Standard Specifications For Construction Of Roads And Bridges On Federal Highway Projects FP-03 U.S. Customary Units U.S. Department Federal of Transportation, Federal Highway Administration, Federal Lands Highways* during construction (available at: <http://flh.fhwa.dot.gov/resources/pse/specs/fp-03/fp-03usc.pdf>).

Key elements of these guidelines include avoidance of disturbance beyond construction limits, avoidance of equipment operation in waters of the U.S., separation of work areas and materials from waters, leak and spill prevention, and measures to prevent concrete and cement from entering water. The following measures are included in this reference (as quoted directly from the federal regulations):

FP-03. Section 107.02: Do not disturb the area beyond the construction limits. Replace trees, shrubs, or vegetated areas damaged by construction operations as directed and at no cost to the Government. Remove any damaged limbs of existing trees by an approved arborist.

FP-03; Section 107.10: Do not operate mechanized equipment or discharge or otherwise place any material within the wetted perimeter of any waters of the U.S. Any culvert placed within a stream where aquatic species may occur, should be designed, constructed and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by species that impedes their upstream or downstream movement.

FP-03; Section 107.10: Separate work areas, including material sources, by the use of a dike or other suitable barrier that prevents sediment, petroleum products, chemicals, or other liquid or solid material from entering the waters of the U.S. Use care in constructing and removing the barriers to avoid any discharge of material into, or the siltation of, the water. Remove and properly dispose of the sediment or other material collected by the barrier.

No concrete or any cement product may be poured if measurable rain is forecasted within 15 days. If any concrete is poured after November 15, a quick

cure ingredient should be added to the concrete mix to ensure a faster set or drying time. Cement and concrete should not be poured within 150 feet of a stream during the rainy season. Cement should not be poured in or near a flowing stream, to reduce the potential for significant adverse impacts to the stream, water, or biota without prior approval. To prevent the release of materials that may be toxic to fish and other aquatic species, the poured concrete structure(s) should be isolated from water and allowed to dry/cure for a minimum of 30 days. As an alternative, the USFS should monitor the pH of any water that has come into contact with the poured concrete. If this water has a pH of 9.0 or greater, the water should be pumped to tanker truck or to a lined off-channel basin and allowed to evaporate or be transported to an appropriate facility for disposal. During the pH monitoring period, all water that has come in contact with poured concrete should be isolated and not allowed to enter the water or otherwise come in contact with fish and other aquatic resources. The water should be retested until pH values become less than 9.0. Once this has been determined, the area no longer needs to be isolated. A non-toxic substance that can buffer the pH should be made available on site to use if any contamination to water occurs.

Vehicles should not be driven or equipment operated in water covered portions of a stream or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed.

No equipment should be operated within the dripline of oaks. Protective fencing should be placed around the dripline of oaks to prevent compaction of the root zone.

FP-03, Section 107.10: Repair leaks on equipment immediately. Do not use equipment that is leaking. Keep a supply of acceptable absorbent materials at the job site in the event of spills. Acceptable absorbent materials are those that are manufactured specifically for the containment and clean-up of hazardous materials. Staging/storage areas for equipment and materials should be located outside of the stream. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream should be positioned over drip pans. If welders are used, fire suppression equipment should be on site at all times the welder is being used.

The clean-up of all spills should begin immediately. If vacuum trucks or pumps are used to clean up any contamination in water, or for any other use, the vacuum hose should be placed in a 3 to 4 square foot area, protected on all side by exclusionary fencing to lower velocities and to prevent the uptake of any aquatic life.

Impact BR-10: Installation of concrete structures in streams could result in discharges:

Installation of concrete structures in streams could result in discharge of cement and mixed concrete to water, causing turbidity, pH spiking and other stresses that could adversely affect aquatic organisms.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation measure BR-10 is required to avoid and minimize environmental impacts due to release of cement and concrete into streams. Under BR-10, installation of new poured-in-place concrete structures will occur when creek beds are dry and no significant seepage of concrete solids or fluids to subsurface waters (i.e., near surface ground waters) is expected. Installation will not take place within seven days of when rainfall or surface flows are expected or likely to occur.

Cultural Resources Impact (CR-1): Unrecorded Cultural Resources could occur as a result of project activity:

Unrecorded cultural resources could be encountered during site-disturbing construction activities.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation Measure CR-1 is required to avoid and minimize environmental impacts due to discovery of unrecorded cultural resources during site-disturbing construction activities. Under Measure CR-1, if any previously unrecorded cultural resources are encountered during implementation of this Project, all work would immediately cease in that area and the District Archeologist for the affected LPNF ranger district would be notified immediately. Work may resume after approval by the District Archeologist of the affected LPNF ranger district, provided any recommended Standard Protection Measures (Appendix E of the Regional Programmatic Agreement)⁴ are implemented. Should any cultural resources become damaged in unanticipated ways by activities proposed in this Project; the steps described in the Regional Programmatic Agreement for inadvertent effects will be followed.

Impact CR-2: Impacts to resources including cultural resources outside permitted work areas:

⁴ *Programmatic Agreement Among the U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), California State Historic Preservation Officer, Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests Of The Pacific Southwest Region (Regional PA 2013).*

Project activity could affect an area greater than necessary by failing to avoid areas adjacent to the permitted work area, resulting in potential impacts to natural and cultural resources.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation Measure CR-2 requires that all permitted work areas will be delineated before construction with flagging or similar material, and prohibits disturbance outside the flagged area. This measure will ensure that disturbance is contained in the permitted area.

Impact CR-3: Sites with known cultural resource concerns could be damaged by project activity:

Sites with known cultural resource concerns could be damaged by project activity if site-specific avoidance measures are not implemented.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Measure CR-3 provides site-specific protection and avoidance measures for cultural resources. Pre-construction site visits by qualified USFS archaeologists will be conducted to mark off avoidance areas, to help ensure that site-specific cultural resources are protected from Project activity at three sites: Big Caliente Road Site 5N16 - 1.2 milepost; Big Caliente Road Site 5N16 - 1.9 milepost; Figueroa Mountain Road 7N07 - 1.7 milepost.

Impact CR-4: Disturbance of previously undiscovered human remains could occur during Project activity.

Disturbance of previously undiscovered human remains could occur during Project activity.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation measure CR-4 is required to avoid and minimize environmental impacts due to disturbance of previously undiscovered human remains. In the event that human remains are encountered during construction and during the archaeological fieldwork stipulated in the USFS Historic Properties Treatment Plan for the LPNF, consultation

with designated agencies will determine the nature and extent of any analysis to be performed on human remains prior to internment under the Native American Graves Protection and Repatriation Act.

Geology and Soils (GEO-1): Project activities could cause or result in soil erosion, landslides, or other instability of soils and geological substrates:

Project activities could cause or result in soil erosion, landslides, or other instability of soils and geological substrates due to inadequate planning, inadequate design, and failure to implement BMPs.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation measures are proposed by the Applicant to avoid and minimize environmental impacts due to erosion, landslides, and other Project-related instability of soils and geologic substrates. All Project activities will comply with section 107 of the *Standard Specifications For Construction Of Roads And Bridges On Federal Highway Projects FP-03 U.S. Customary Units U.S. Department Federal of Transportation, Federal Highway Administration, Federal Lands Highways*

(<http://flh.fhwa.dot.gov/resources/pse/specs/fo-03/fp-03usc.pdf>) during construction.

These federal specifications provide detailed guidance on prevention and avoidance of erosion, landslides, and other substrate instability.

Hazardous Materials Impact (HAZ-1): Wildfires could occur as a result of Project activity, and project activity could complicate wildfire suppression efforts.

Project activities may cause ignition of wildfires, due to sparks from equipment operations, human carelessness with smoking or other ignition sources, and accidental ignition due to equipment malfunctions or other accidental causes. Project activities could also hamper response to wildfire due to temporary road closures and presence of project equipment and personnel.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the IS/MND.

Rationale:

Mitigation measures are proposed by the Applicant to avoid and minimize environmental impacts due to ignition of wildfires and activities that hamper response to wildfires.

Mitigation Measure HAZ-1 requires compliance with *Forest Service Manual* 6309.32 and 6309.11. All USFS fire regulations and practices as described in *Forest Service Manual* 6309.32 and 6309.11 will be enforced for the entire Project.

VI. Mitigation Measures and the Mitigation Monitoring and Reporting Plan

As mentioned in the discussion of Project impacts above, the State Water Board has approved a plan for the monitoring and reporting of CEQA mitigation compliance. All of the Project mitigation measures, including those cited above, are presented in the Project MMRP, Attachment D to the certification. The MMRP will guide implementation of all CEQA project mitigation measures by assigning implementation and reporting responsibilities and specifying timelines.

The MMRP lists all Project mitigation measures and reporting and is herein incorporated by reference. The current MMRP is provided in Attachment D to the Project water quality certification, which will be posted within five days of the signing of the certification at the 401 Program webpage at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml#certifications