

**ANTELOPE VALLEY–EAST KERN WATER AGENCY
PROPOSED DRAFT
CEQA MITIGATED NEGATIVE DECLARATION
FOR THE
HIGH DESERT WATER BANK**

PROJECT TITLE: High Desert Water Bank

LEAD AGENCY: Antelope Valley-East Kern Water Agency (AVEK)

PROJECT SPONSOR: AVEK

PROJECT LOCATION: The Project includes approximately 1,500 acres of land in the unincorporated area of Los Angeles County in portions of Sections 1, 2, 11, and 12 of Township 8 North, Range 17 West, northwest of the community of Neenach and bounded by: Avenue A on the north, 280th St. West on the east, 300th St. West on the west, and the California Aqueduct on the south.

PROJECT DESCRIPTION: The Agency proposes the development and operation of a groundwater bank on approximately 1,500 acres of land in the western edges of the Antelope Valley. The project would store State Water Project water supplies from the Agency and other banking participants during wet weather periods when supplies exceed demands and would recover the water for use by the Agency and its partners during dry weather years when demands exceed supplies and other times when there are disruptions to State Water Project Supplies. Implementation of this project will require the construction of monitoring and production water wells, turnouts off of the California Aqueduct, underground and above ground pipelines, recharge basins, and water storage and booster pump facilities.

FINDINGS:

The Agency finds that the proposed Project WILL NOT have a significant effect on the environment for the following reasons:

1. The proposed Project would not have a significant impact to or as a result of the following resources;
 - a. Aesthetics,
 - b. Greenhouse Gas Emissions,
 - c. Land Use and Planning,
 - d. Mineral Resources,
 - e. Population and Housing,
 - f. Public Services,
 - g. Recreation, and
 - h. Transportation and Traffic.

2. The proposed project would result in potentially significant impacts to or as a result of the following resources. With proposed mitigation measures in place, the level of impact is lessened to a level which is less than significant.
 - a. Agriculture,
 - b. Air Quality,
 - c. Biological,
 - d. Cultural,
 - e. Geology and Soils,
 - f. Hazards and Hazardous Materials,
 - g. Hydrology & Water Quality,

- h. Noise, and
- i. Utilities and Service Systems.

MITIGATION MEASURES

Implementation of the project specific mitigation measures identified below for the resources described above would reduce all associated potentially significant impacts to below a level of significance.

AG-1: Prime Farmland Avoidance – The Agency will not perform recharge operations on the 60 acres of semi active farmed Prime Farmland on the northwest corner of the property.

AQ-1: Minimization Measure for NOx Related Emissions - Construction contractor shall use off road construction diesel engines that meet, at a minimum, the Tier 4 interim California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 3 engines will be allowed on a case by case basis when the contractor has documented that no Tier 4 interim equipment, or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two construction equipment rental firms.

BIO-1: Burrowing Owls - Preconstruction surveys shall be conducted by a qualified biologist within the Project site and a 500-foot buffer to locate active burrowing owl burrows. The Project will provide a qualified biologist to conduct these pre-construction surveys for active burrows. Surveys will be conducted following guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Surveys will include a nesting season survey and a wintering season survey the season immediately preceding construction. If no burrowing owls are detected, no further mitigation will be required. If burrowing owls are detected with 500 feet of the proposed Project site, the following measure will be implemented:

- Occupied burrows will not be disturbed during the nesting season (April 1 through October 15).
- Avoidance shall be the preferred approach for occupied burrows whenever feasible. If occupied burrows are observed during the non-breeding season (October 16 through March 31), a 160-foot no-disturbance buffer will be established. If occupied burrows are observed during the breeding season (April 1 through October 15), and a 650-foot no-disturbance buffer shall be established.
- When destruction of occupied burrows is unavoidable, destruction shall occur only during the non-nesting season (October 16 through March 31). Prior to destruction of occupied burrows within the Project site, any unsuitable burrows outside the disturbance footprint will be enhanced (enlarged, cleared of debris) to facilitate occupation.
- If owls must be moved away from the Project area, passive relocation techniques (e.g., installation one-way exclusion doors at burrow entrances) will be used instead of trapping. A minimum of one week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.

BIO-2: Desert Kit Fox and American Badger - Within two (2) weeks prior to the start of construction, a qualified biologist shall conduct pre-construction clearance surveys of the work area and a 150-foot buffer for signs of desert kit fox and American badger, including active and inactive natal and non-natal dens, scat, prey remains, and tracks. All suitable denning locations shall be investigated for use.

- Inactive dens shall be excavated by hand with a shovel to prevent badgers/kit foxes from re-using dens during construction.

- If active natal dens are observed during the survey, a no-disturbance buffer of 300 feet shall be established around the den. The den shall be monitored and the buffer maintained until a qualified biologist has determined that the den is no longer active, at which time it shall be excavated by hand to prevent re-use.
- If active, non-natal dens are observed within the Project site or buffer, badgers/kit foxes shall be discouraged from using these dens prior to clearing, grubbing, and/or grading of the site, by partially blocking the entrance of the den with sticks, debris, and soil for 3 to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period, encouraging the badger/kit fox to vacate the den of its own volition. After badgers/kit foxes have stopped using active dens within the Project boundary, the dens shall be hand-excavated with a shovel to prevent re-use.
- If newly active badger/kit fox dens are found during construction activities, all work in the area shall cease until the biologist can safely close the den.
- If a desert kit fox or American badger is encountered during Project activities, all work that could result in a direct injury, disturbance, or harassment shall immediately stop and the Project biologist shall be notified.
- Where desert kit foxes have the potential to occur, all heavy equipment and vehicles left on-site overnight will be inspected at the beginning of each work day to verify that no individuals have taken shelter under the equipment. If a desert kit fox is observed, the project biologist shall be notified and the animal shall be observed from a distance until it has moved out of the area of its own accord.

BIO-3: Nesting Birds - If construction activities occur within the breeding bird season (February 1 through September 15), all vegetation clearing and initial ground disturbing activities will be preceded by a nesting bird survey. Nesting bird surveys will be conducted by a qualified biologist of all areas that may support nesting and will be subject to disturbance, as well as a 300-foot buffer for passerine species and 500-foot buffer for raptors. Surveys will be conducted no more than 7 days prior to construction activities.

- If an active nest is observed, a no-disturbance buffer will be established until a qualified biologist has determined the nest has either failed or has successfully fledged and the young are no longer dependent on the nest. The no-disturbance buffer will measure no less than 500 feet for raptors, and 300 feet for all other species.

BIO-4: Animal Movement and Entrapment (Trenches) - All trenches that are to be left open overnight shall be either securely covered or have wildlife escape ramps installed during non-work hours to prevent entrapment of common and special-status wildlife species. All steep-walled pipeline and utility trenches shall be inspected in the mornings and prior to backfilling to prevent mortality of common and special-status wildlife species. All entrapped wildlife shall be removed or allowed to escape voluntarily via escape ramps prior to construction resuming.

BIO-5 Animal Movement and Entrapment (Pipes) - All pipes, culverts, or similar structures on-site with a diameter of 2 to 24 inches shall be inspected for special-status species prior to moving or welding. Openings shall be capped or otherwise covered if sections cannot be inspected to prevent the entry and potential loss of wildlife. If a common or special-status species is discovered inside a pipe, the animal shall be safely removed by a qualified biologist. The pipe segment shall not be moved until the animal has escaped, or the pipe segment shall be moved a single time out of the path of construction. Alternatively, stored pipe may be kept capped at all times until used during construction.

BIO-6: Erosion and Sediment Control - Best available erosion and sediment control measures will be employed to prevent downstream dispersal of sediments during and following Project-related activities.

These measures may include sediment basins, gravel bags, silt fences, geo-bags, or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. The use of erosion control materials potentially harmful to wildlife species, including monofilament netting (erosion control matting) or similar material, will not be employed.

CR-1: Cultural Resources Monitoring – The Project site has been identified to have a low to moderate potential of finding significant archaeological resources lacking surface manifestations that may be encountered during Project construction. To lessen the impact of unknown archeological resources, the Agency will develop a Cultural Resources Monitoring and Mitigation Plan prior to start of ground disturbance. This plan will implement part time monitoring by a qualified archeologist and or a Native American Monitor. In the event that project construction activities result in a finding of significant importance, the qualified archeologist may increase the level of monitoring. If no findings occur during the part time monitoring, the archeologist may further reduce or eliminate the monitoring. During a find of a potentially significant archaeological resource, the resource will be inventoried and evaluated to ascertain whether the resource meets the criteria for listing on the California Register of Historical Resources. After the discovery, all work being conducted within the vicinity of the discovery will be halted or diverted away from the site of discovery until a qualified archaeologist can assess the potential significance of the find.

CR-2: Regulation Compliance – The Agency will comply with Health and Safety Code Section 7050.5, CEQA Section 15064.S(e), and Public Resources Code Section 5097.98, which mandate the process to be followed in the unlikely event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

GEO-1: SWPPP - To control water and wind erosion during construction and operation of the Project, the Agency will prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit.

GEO-2: Seismic Design - Although the proposed Project has little inherent potential for causing seismic safety effects, the Agency will ensure that all facilities are designed to withstand the anticipated seismic forces, consistent with local and State building codes and relevant regulations.

GEO-3: Pipeline Shut Off Valves - The Agency will install shut off valves on major pipelines to minimize the potential for flooding during seismic events.

GEO-4: Groundwater Level Monitoring Plan - Although the potential for the Project to raise groundwater levels to within 30 to 50 feet of the ground surface is small, to address potential impacts to local groundwater levels, the Agency will develop a monitoring program to monitor changes in water levels in the area affected by groundwater recharge operations. If monitoring identifies groundwater level rise to 75 feet below ground surface, the Agency will modify management of recharge to prevent water levels from rising to levels where liquefaction effects could occur.

HAZ-1: Spill Prevention Plan - Consistent with Agency's existing practices, the Agency will require from its construction contractors the preparation and implementation of a Spill Prevention Control and Countermeasures Plan (SPCCP) to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities and operations. The plan and methods shall be in conformance with all State and Federal regulations. The Agency shall provide for routine inspection of the construction and operations areas to verify that the measures specified in the SPCCP are properly

implemented and maintained and further ensure that contractors are notified immediately if there is a noncompliance issue and will require compliance.

HAZ-2 : Bird Strike Hazard Notification - The Agency will notify the Flight Safety Office at Edwards Air Force Base and all local airports of the potential bird strike hazard as follows:

- Prior to application of water to the recharge basins, and
- If large birds or large concentrations of small birds are observed in or near the recharge area.

HAZ-3: Bird Strike Hazard Minimization Measures - The Agency will implement actions to reduce the attractiveness of the recharge basins to birds by:

- Use of recharge basins with shallow water depths which will be generally unsuitable for the larger migratory birds,
- Monitor recharge area water and if aquatic macroinvertebrates are found to be developing in large numbers and/or foraging by shorebirds is observed, temporarily dry out recharge areas, thereby reducing the insect and aquatic macroinvertebrate forage that would attract and hold shorebirds.
- Whenever water is present in the recharge basins, the project operator will monitor the basins daily for bird activity and if found discourage their use via means acceptable to the Department of Fish and Game.

HAZ-4: Mosquito Borne Disease Minimization Measures – The Agency will consult with the Antelope Valley Mosquito and Vector Control District to develop and implement a mosquito management plan. The plan would consist of a Project specific mosquito abatement program that would include quantitative abatement thresholds. The Agency and/or its representative would monitor mosquito larvae production in the recharge basins, drainages, and distribution. Larvae populations would be tracked using methods and thresholds approved by the Mosquito Abatement District, and suppression measures would be employed when thresholds are exceeded. The primary mode of suppression would be to monitor for mosquito presence and if mosquito larvae are found, to cycle recharge temporarily so that units of recharge would be dried.

HWQ-1: Drainage Design - Recharge areas will be constructed so that they will not divert sheet flooding and other runoff away from the recharge areas. This will allow flood water to flow into the recharge areas where flows will be somewhat retarded by the recharge berms. Berms will be designed with berm heights below the calculated flood depth elevations and intended to be sacrificial. Flood flows would enter the site, go through the berms, overtop or destroy the berms in sequence, and eventually exit the project site along the eastern boundary of the proposed project in a manner similar to pre-project conditions.

HWQ-2: Stormwater Pollution Prevention Plan (SWPPP) - To reduce or eliminate Construction related water quality effects, before onset of any construction activities, the Agency or its contractor will prepare a Storm Water Pollution Prevention Plan. The SWPPP will include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover). These measures will be employed to control erosion from disturbed areas. Measures for the control of pollutants during construction include:

- Use of existing access points to minimize dust and tracking materials onto Public Streets,
- Designated Parking, Storage, and Service Areas protected by silt fence and oil absorbents and sloped to control drainage,
- Minimize diesel storage,
- Stockpile spill cleanup materials,

- Regular vehicle inspection for leaks.
- Fuel off-channel with a secondary containment system for spills,
- Use quick connects whenever possible,
- Fueling by authorized personnel only, and
- Spill cleanup materials readily available.

The SWPPP shall include a Fugitive Dust Control Plan (FDCP) that will include extensive measures to control and manage soil erosion. The FDCP will provide for management of open soils that will contribute to management of runoff.

Consistent with the SWPPP and the Agency's current construction management practices, the Agency or its agent will perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The Agency will notify its contractors immediately if there is a noncompliance issue and will require compliance.

HWQ-3: Spill Prevention Plan - Consistent with Agency's existing practices, the Agency will require from its construction contractors the preparation and implementation of a Spill Prevention Control and Countermeasures Plan (SPCCP) to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities and operations. The plan and methods shall be in conformance with all State and Federal regulations. The Agency shall provide for routine inspection of the construction and operations areas to verify that the measures specified in the SPCCP are properly implemented and maintained and further ensure that contractors are notified immediately if there is a noncompliance issue and will require compliance.

HWQ-4: Protection of Off Site Wells. To address potential impacts to groundwater and adjacent well owners, the Agency will develop a monitoring program to monitor changes in water levels and well production in the area affected by groundwater recharge operations. The program will specify that:

- Extractions of groundwater shall not exceed 90% of the amount of water recharged,
- Water quality in recovered water and in groundwater flowing away from the Project will be monitored to ensure that water quality remains appropriate for designated beneficial uses,
- During recharge operations, water levels will be monitored and recharge operations will be suspended in the event that offsite water levels rise to within 75 feet of the ground surface, and
- During recovery operations, water levels in offsite wells will be monitored and operations will be adjusted if offsite wells are found to be adversely affected by project operations,

HWQ-5: Management of Herbicides and Pesticides - The Agency will comply with all regulations of the California Department of Pesticide Regulation regarding the use of herbicides and pesticides in areas designated for groundwater recharge.

NOISE-1: Construction Noise Monitoring and Minimization Measures – The Agency and its construction contractors will monitor noise levels for construction activities near and along 280th Street West corresponding to the eastern boundary of the proposed Project area which includes potential noise receptors (residential homes). In the event that noise levels exceed the County of Los Angeles designated thresholds, the construction contractor will implement noise reduction measures to include:

- Providing construction equipment with sound control devices.
- With the exception of well drilling operations, restrict construction activities to day time hours.
- In the event that construction activities occur close to sensitive noise receptors, implementing appropriate additional noise mitigation measures, including but not limited to:
 - Changing the location of stationary construction equipment,

- Shutting off idling equipment,
- Rescheduling construction activity
- Notifying adjacent residents in advance of construction work, and
- Installing acoustic barriers around stationary construction noise sources.

NOISE-2: Operation Noise Minimization Measures – The Agency proposes to construct approximately 7 groundwater wells in the vicinity of 280th St. West which have the potential to increase the ambient noise level for the nearby residential homes on the east side of 280th St. West during groundwater recovery operations. The Agency proposes to equip these wells with insulated well enclosures that will reduce the operational noise level in the area to less than significant.

UTIL-1: Electrical Service Upgrade Minimization Measures – In the event that the existing electrical grid system needs to be expanded to meet the proposed project demands, the Agency will require that the Electric Company comply with all mitigation measures identified in this Initial Study during the construction of the expansion.

INITIAL STUDY: The Initial Study prepared for this Project is attached.

Form Prepared By:

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Signature

6-6-17
Date