

TO: James L. App, City Manager

FROM: Ron Whisenand, Community Development Director

SUBJECT: Mitigated Negative Declaration for Paso Robles (Nacimiento) Water Treatment Plant and Main East Pipeline

DATE: October 7, 2008

Needs: For the City Council to consider approval of a Mitigated Negative Declaration for the Paso Robles (Nacimiento) Water Treatment Plant and Main East Pipeline.

Facts:

1. Pursuant to the 2005 Urban Water Master Plan, 2007 Integrated Water Resources Plan, and the 2003 General Plan, the City has initiated the work described below to consist of the following components:
 - a. Construct a plant to treat water from the Nacimiento Water Project, up to 12 million gallons per day, store treated water, and
 - b. Construct a pipeline to convey treated water to the East Side of the City.
2. The treatment plant will be situated at the City's Thunderbird Well Site located east of Ramada Drive and the Union Pacific Railroad (UPRR), west of the Salinas River and north of an imaginary extension of Highway 46 West east of Ramada Drive. The Main East Pipeline will extend north from the proposed treatment plant, along the east side of the UPRR, to a point due west of the western terminus of the existing right-of-way for a westward extension of Charolais Road. At that point, the pipeline will turn due east, run beneath the Salinas River and through the existing right-of-way for a westward extension of Charolais Road to connect with existing water mains in South River Road.
3. Since circulation of the Notice of Intent to adopt a Negative Declaration, the City Council has expressed an interest in phasing the components of the project over several years in order to facilitate its financing. The Draft Mitigated Negative Declaration describes the entire project as if it was to be constructed in a single phase. The ramifications of phasing the project are discussed in the Analysis and Conclusion section of this report.
4. The Mitigated Negative Declaration, including an Initial Study and appendices, is too large to attach to this report. Copies will be distributed to the City Council, the press, and made available to the public at City Hall, in the Library, and on the City's web site (www.prcity.com).
5. The Draft Mitigated Negative Declaration concludes that, subject to the implementation of the mitigation measures listed in the Mitigation Monitoring Plan (Exhibit B of the attached resolution to adopt a Mitigated Negative Declaration), the project will not have any significant effects on the environment.
6. Public notice of the proposed Mitigated Negative Declaration was given as required by Section 21092 of the Public Resources Code. Pursuant to said public notice, the public was given the opportunity to submit written comments and to appear before the City Council at a public meeting conducted on October 7, 2008 to make oral comments on the draft Mitigated Negative Declaration.

7. In response to the Notice of Intent to adopt a Negative Declaration, the Native American Heritage Commission filed a letter recommending a record search and certain mitigation measures. The City's response to this letter is addressed in the Analysis and Conclusion Section of this report.

Analysis and
Conclusion:

Environmental Factors Affected by the Project

The Initial Study found that the following environmental factors will be potentially significantly affected during the construction phase of the project, unless mitigated:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural (Archaeological) Resources;
- Geology, Seismicity, and Soils;
- Water Quality;
- Noise;
- Transportation and Circulation.

The Initial Study recommends mitigation measures that would reduce all potentially significant impacts to a point of non-significance, which would enable the adoption of a mitigated negative declaration. These mitigation measures are listed in the Mitigation Monitoring Plan (Exhibit B of the attached resolution to adopt a Mitigated Negative Declaration).

Native American Heritage Commission Letter

Comment 1: Contact the appropriate Information Center for a record search.

Response: This was completed by Albion Environmental during preparation of the Cultural Resources Survey Report, dated May 2008, which is an appendix to the Draft Mitigated Negative Declaration.

Comment 2: If an archaeological inventory survey is required, prepare survey report and submit to regional archaeological Information Center.

Response: The survey report and recommendations were completed by Albion Environmental and have been submitted to the City (Appendix B of Draft Mitigated Negative Declaration). The report will be sent to the Information Center.

Comment 3: Contact the Native American Heritage Commission for a sacred lands file check and a list of appropriate Native American Contacts for consultation.

Response: The Project has met the actions recommended by the Heritage Commission with the exception of "recommended" direct consultation with the respondents supplied by the Commission (Bullet 2). Consultation with the appropriate Native American Contacts will occur later in the process. It

should be noted that CEQA does not require consultation unless the existence or probable likelihood of Native American human remains are indicated. Appendix B does not indicate such existence or probable likelihood.

Comment 4: Lack of surface evidence of archaeological resources does not preclude their subsurface existence. Recommend include measures for identification and evaluation of accidentally discovered archaeological resources or human remains and disposition plans for any recovered artifacts.

Response: Bullet 1: Mitigation measure CUL-3 specifies an archaeological monitor. The City may choose to involve a culturally affiliated Native American in addition to the MND mitigation measures.

Bullet 2: Consultation to determine disposition of artifacts is addressed in the Cultural resources Report.

Bullet 3: Provisions for disposition of Native American human remains would be appropriately addressed upon discovery.

Mitigation Measures CUL-1, CUL-2, and CUL-3 adequately address the potential impacts to archaeological resources.

Project Phasing

All of the mitigation measures listed in the Mitigation Monitoring Plan (Exhibit B of the attached resolution to adopt a Mitigated Negative Declaration) address construction phase impacts. The Initial Study assumes that all improvements to the treatment site (permanent buildings and landscaping) will be built as a single phase.

The only foreseeable impact that might be associated with constructing the project in phases over several years is the visual impact that might be associated with temporary buildings and equipment (e.g., trailers containing water treatment equipment) and phased landscaping. Visual impacts can be avoided if each phase either situates temporary improvements out of the line of vision or includes landscaping adequate to mitigate any adverse views of temporary improvements. All other impacts described in the Initial Study would be addressed by the listed mitigation measures, regardless of phasing.

As part of the process of preparing and accepting plans for each phase, the proposed plans need to be compared to the plans for the entire project and evaluated for visual impacts. If it is determined that a phase substantially conforms with the plans for the entire project, no further environmental review would be necessary. If it is determined that a phase could create adverse visual impacts, the plans will have to be revised to mitigate the impacts and a new environmental document will be necessary.

It should also be noted that, if prior to completion of all phases, new information about environmental resources that could be adversely affected by the yet-to-be completed phases of the project becomes available, a new environmental document could be necessary prior to authorization to proceed with a phase.

Policy
Reference: California Environmental Quality Act

Fiscal
Impact: The Mitigated Negative Declaration will have no effect on the General Fund.

Options: Upon receipt of public comments, take one of the following actions:

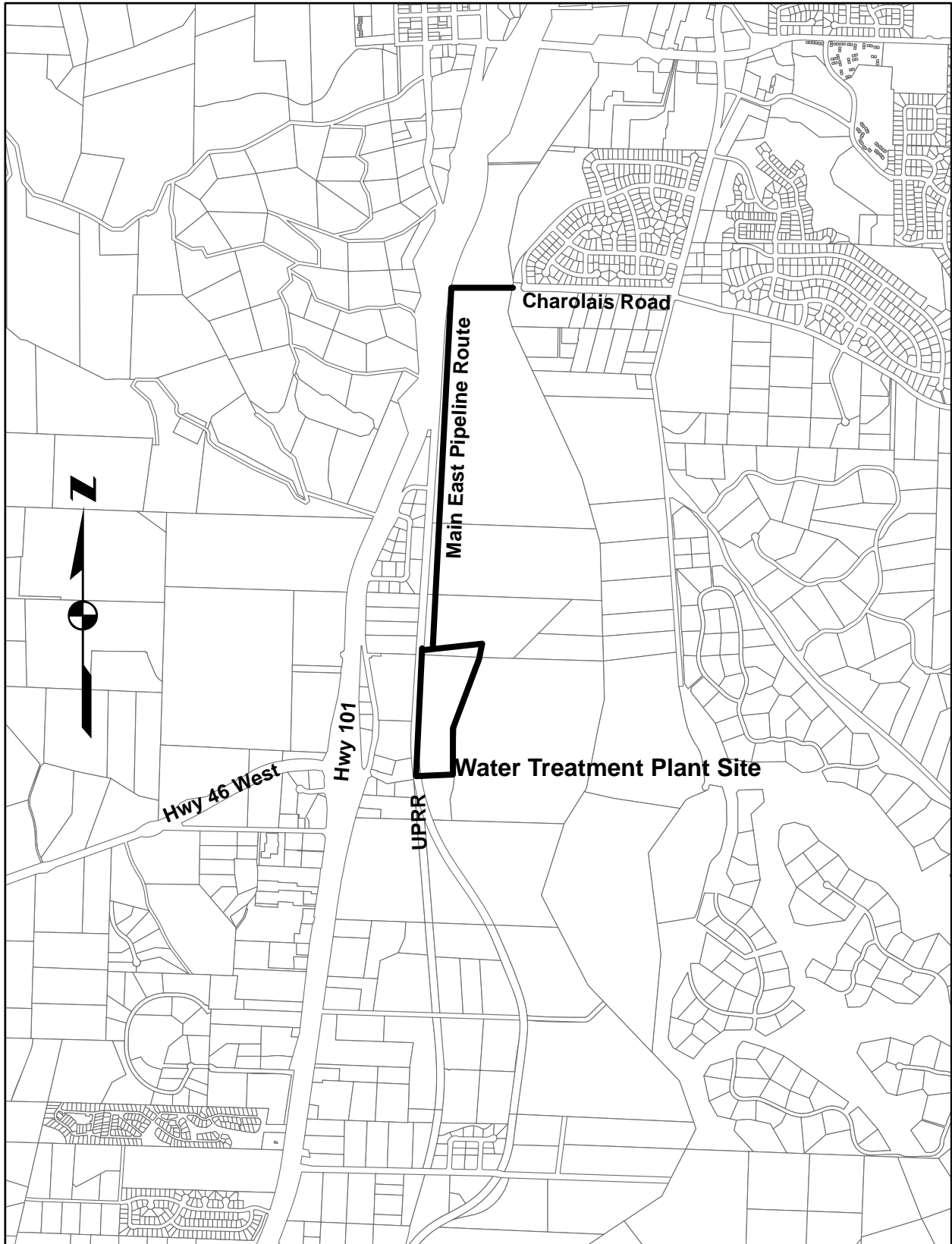
- a. Adopt the attached Resolution 08-XXX approving a Mitigated Negative Declaration for the Project.
- b. Amend, modify, or reject the foregoing option.

Report prepared by: Ed Gallagher, City Planner

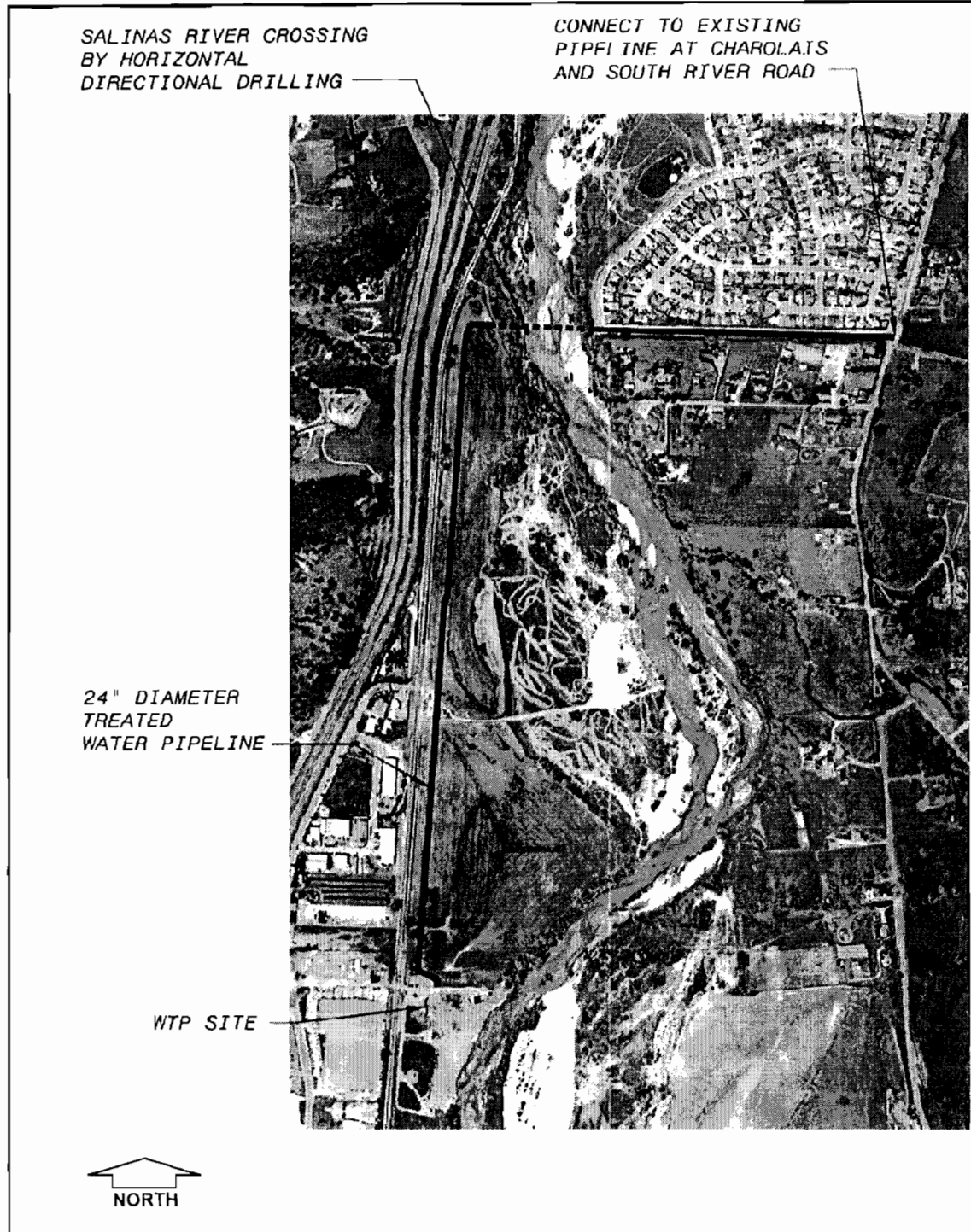
Attachments:

1. Location Map
2. Map of Pipeline Route and Site Plan for Treatment Plant Site
3. Resolution Approving a Mitigated Negative Declaration
4. Mitigation Monitoring Plan
5. Newspaper Notice of Intent to Adopt a Mitigated Negative Declaration
6. Letter from the Native American Heritage Commission

ED\ENV\NACIMIENTO WATER TREATMENT PLANT\CCR 100708



**Location Map
Paso Robles (Nacimiento) Water Treatment Plant
and Main East Pipeline**



Source: Black and Veatch, 2007.

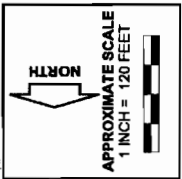
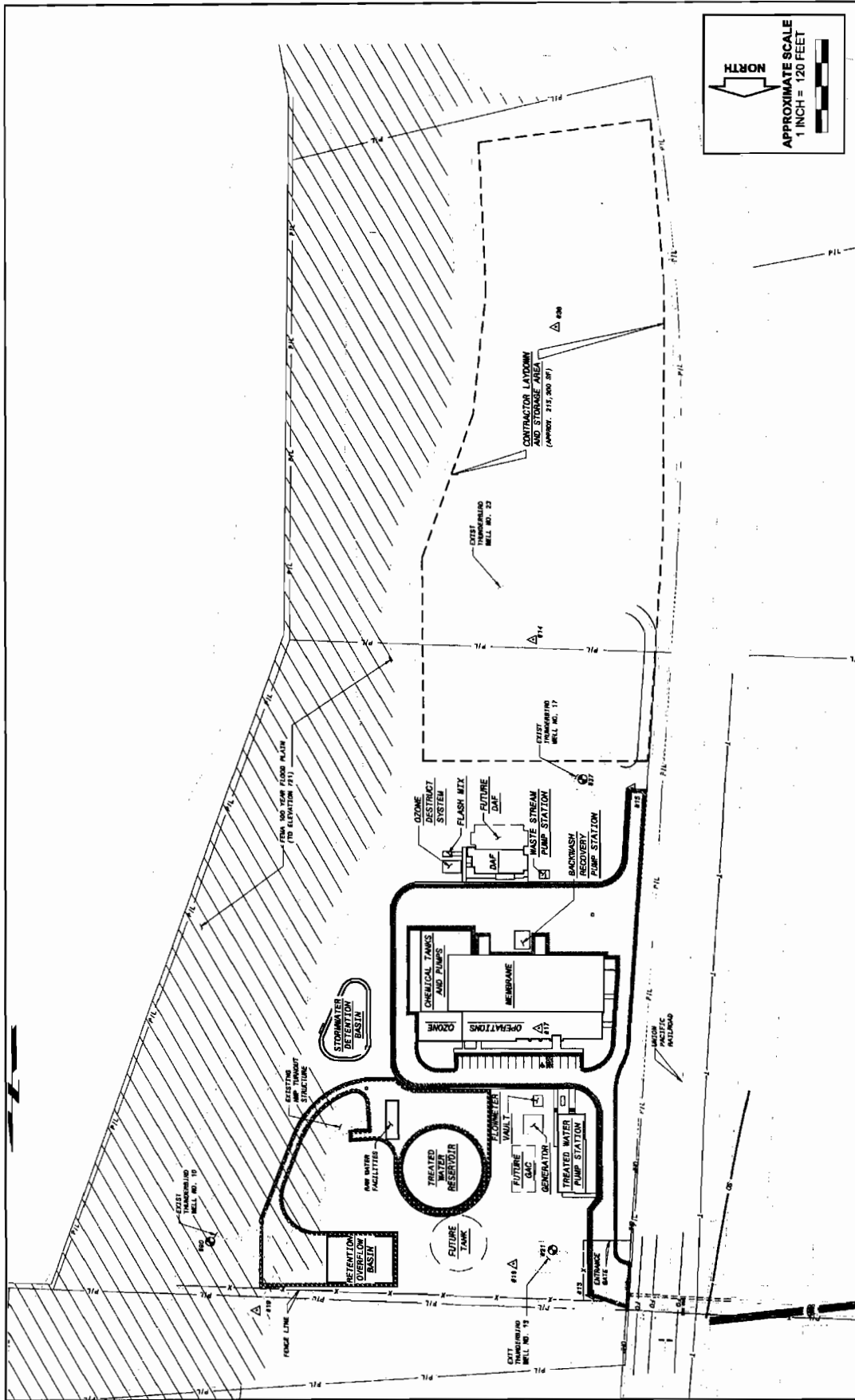


Paso Robles Water Treatment Plant Main East Pipeline Project IS/MND

SITE LOCATION MAP

FIGURE 2-2

August 2008
Project No. 0802-0631



WATER TREATMENT PLANT SITE LAYOUT
FIGURE 2-3

padre
Paso Robles, CA

Paso Robles Water Treatment Plant and Main East Pipeline Project IS/MND

RESOLUTION NO: 08-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE PASO ROBLES
(NACIMIENTO) WATER TREATMENT PLANT AND MAIN EAST PIPELINE**

WHEREAS, pursuant to the 2003 General Plan and the 2005 Urban Water Management Plan, the City of El Paso de Robles (the "City") has initiated the work described below (the "Project") to consist of the following components:

- a. Construct a plant to treat water from the Nacimiento Water Project, up to 12 million gallons per day, store treated water, and
- b. Construct a pipeline to convey treated water to the East Side of the City.

WHEREAS, the treatment plant will be situated at the City's Thunderbird Well Site located east of Ramada Drive and the Union Pacific Railroad (UPRR), west of the Salinas River and north of an imaginary extension of Highway 46 West east of Ramada Drive and the Main East Pipeline will extend north from the proposed treatment plant, along the east side of the UPRR, to a point due west of the western terminus of the existing right-of-way for a westward extension of Charolais Road; at that point, the pipeline will turn due east, run beneath the Salinas River and through the existing right-of-way for a westward extension of Charolais Road to connect with existing water mains in South River Road; and

WHEREAS, an Initial Study was prepared for this project, and is contained within the Draft Initial Study/Mitigated Negative Declaration for the Paso Robles Water Treatment Plant and Main East Pipeline Project, dated August 15, 2008, which shall be Exhibit "A" to this resolution, a copy of which shall be kept in the files of the Public Works Department; and

WHEREAS, the Initial Study identifies several impacts as having the potential for significant impacts as a result of this project, all of which can be mitigated by the mitigation measures listed in the Mitigation Monitoring Plan attached as Exhibit "B" to this resolution; and

WHEREAS, Public Notice of the proposed Mitigated Negative Declaration was given as required by Section 21092 of the Public Resources Code; and pursuant to said public notice, the public was given the opportunity to submit written comments and to appear before the City Council at a public meeting conducted on October 7, 2008 to make oral comments on the draft Mitigated Negative Declaration; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based on the information contained in the plans and specifications prepared for the Project on file with the City's Department of Public Works, the Initial Study prepared for the Project, public comments and testimony received during the comment period and at the public meeting conducted on October 2, 2007, and subject to completion of the mitigation measures described in both Exhibits "A" and "B", the City Council finds, based on its independent judgment and analysis, that there is no substantial evidence that the Project will have a significant effect on the environment.

SECTION 2. The City Council of the City of Paso Robles does hereby approve and adopt the Mitigated Negative Declaration for the Project. All of the documents and other evidence which constitute the record of

proceedings upon which the findings in this Resolution are made are in the custody of the Department of Public Works, City Hall, 1000 Spring Street, Paso Robles, California 93446.

SECTION 3. The City Council of the City of Paso Robles does hereby approve the Project, and directs the City Clerk to file a Notice of Determination regarding the approval of the Project with the County Clerk of San Luis Obispo County for posting.

PASSED AND ADOPTED this 7th of October, 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

DRAFT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
PASO ROBLES WATER TREATMENT PLANT AND MAIN EAST
PIPELINE PROJECT

Lead Agency:

City of El Paso de Robles

Environmental Consultant:

Padre Associates, Inc.
811 El Capitan Way, Suite 130
San Luis Obispo, CA 93401

Project No. 0802-0631

A copy of this document is available at the City of Paso Robles, Public Works Department, 1000 Spring Street, Paso Robles, CA 93446.

A copy may also be viewed on line at www.prcity.com or in the Paso Robles Public Library, 1000 Spring Street, Paso Robles, CA.

August 15, 2008



Exhibit B

MITIGATION MONITORING PLAN

Mitigation Measure	Time Frame	Monitoring Agency
<p>AES-1: An exterior lighting plan shall be developed, which shall include the height, location, and intensity of all exterior lighting. All light poles, fixtures, and hoods shall be dark (non-reflective) colored. Lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, "hooded" lighting fixtures to prevent offsite light spillage and glare.</p> <p>AQ-1(a): Equipment Emission Control Measures. According to Rule 402 of the APCD Handbook of Rules and Regulations, an Authority to Construct permit shall require the use of Best Available Control Technology (BACT) where emissions of subject air contaminants would be 25 pounds per day or more (which is applicable to NOx). Prior to construction, a Dust and Emissions Reduction and Monitoring Plan shall be developed by the contractor, approved by the APCD and fully implemented. The Plan shall specify the emissions control measures to be implemented on each emission source, the expected reduction for each criteria pollutant, the period the emissions control measures are to be in place, and a quarterly summary of the emissions reductions. The summary shall include sufficient information for the APCD to verify the emissions reductions have occurred. Potential emission reduction measures shall include, but not be limited to, a combination of the following:</p> <ul style="list-style-type: none"> ● All mobile construction equipment shall use engines certified by the EPA and ARB to meet Tier 2 emission standards as listed in Title 40 Part 89 of the Code of Federal Regulations and employ Currently Verified Technologies per the ARB; ● All portable equipment shall be registered under the Statewide Portable Equipment Registration Program and implement all emissions and reporting requirements (if a piece of equipment is 50 horsepower or greater, and is not registered under the ARB state program, it will need an APCD permit); ● Installation of diesel reduction catalyst/ catalyzed diesel particulate filter system (25 to 40 percent NOx reduction); and, ● Use of PuriNOx fuel by Lubrizol (15 percent NOx reduction). <p>AQ-1(b): Dust Control Measures. Dust generated by construction activities shall be kept to a minimum by full implementation of the following measures.</p> <ul style="list-style-type: none"> ● During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease; 	<p>Include in construction plans prior to soliciting bids for a construction contract.</p> <ol style="list-style-type: none"> 1. Specify measures in contract documents; 2. Monitor during construction 	<p>Community Development and Public Works Departments</p> <p>Public Works Department</p>
<p>AQ-1(b): Dust Control Measures. Dust generated by construction activities shall be kept to a minimum by full implementation of the following measures.</p> <ul style="list-style-type: none"> ● During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease; 	<ol style="list-style-type: none"> 1. Specify measures in contract documents; 2. Monitor during construction 	<p>Public Works Department</p>

Mitigation Measure	Time Frame	Monitoring Agency
<ul style="list-style-type: none"> ● During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the morning and after work is completed for the day. Watering frequency may need to be increased whenever wind exceeds 15 miles per hour; ● Stockpiled earth material shall be sprayed or covered as needed to minimize dust generation; ● During construction, the amount of disturbed area shall be minimized, and onsite vehicle speeds should be reduced to 15 mph or less; ● Consistent with the SWPPP, all exposed ground areas that are planned to be reworked at dates more than one month after initial grading during the rainy season (i.e., Oct. 15 to April 15) shall be sown with a fast-germinating native grass seed and watered until vegetation is established; ● After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to minimize dust generation until the area is paved or otherwise compacted so that dust generation is minimized; ● Grading and scraping operations shall be suspended when wind speeds exceed 20 mph (one hour average); ● Rumble pads (minor road obstructions designed to dislodge accumulated earth material from trucks) shall be installed and maintained at all construction entrances; ● All roadways associated with construction activities shall be paved or utilize some other technique to control dust (i.e. water or APCD-approved soil stabilizer); and, ● The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area. 		
<p>BIO-1: If feasible, construction activities shall take place outside of the nesting bird season (i.e., March 15 to August 15). If construction activities occur within nesting bird season, a qualified biologist shall perform pre-activity nesting bird surveys to determine if breeding/nesting birds are present within the Project Site. If an active bird nest is identified, then CDFG and/or USWFS shall be consulted to determine appropriate buffer during construction activities.</p>	<ol style="list-style-type: none"> 1. Specify measure in contract documents; 2. Monitor during construction 	Public Works Department
<p>BIO-2: A qualified biologist shall be retained to conduct a preconstruction survey of the Project Site and the adjacent habitats. In the event that any special-status species are identified within the Project area (i.e., SJKF, CRLF, southwestern pond turtle, two-striped garter snake), all work shall cease and the appropriate agencies shall be contacted for further consultation. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the</p>	<ol style="list-style-type: none"> 1. Prior to commencement of work. 2. Specify measures in contract documents; 3. Monitor during 	Public Works Department

Mitigation Measure	Time Frame	Monitoring Agency
<p>Project area. In addition, the following measures shall be implemented to further mitigate impacts to SJKF:</p> <ul style="list-style-type: none"> ● SJKF protection measures shall be included on Project plans; ● A maximum 25 mph speed limit shall be required at the Project Site during construction; ● All construction activities shall cease at dusk; ● All excavations deeper than two feet shall be covered at the end of each working day or escape ramps for SJKF shall be provided; ● All pipes, culverts, or similar structures shall be inspected for SJKF before burying, capping, or moving; and, ● All food-related trash shall be removed from the Project Site at the end of each working day. 	<p>construction</p>	
<p>BIO-3: A worker education program shall be prepared and presented to all construction personnel at the beginning of the Project. The program shall discuss sensitive species with potential to occur in the construction zone, with emphasis on special-status wildlife and plant species. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures.</p>	<ol style="list-style-type: none"> 1. Specify measure in contract documents; 2. Prior to commencement of work 	<p>Public Works Department</p>
<p>BIO-4: The use of heavy equipment and vehicles shall be limited to the proposed Project limits, existing roadways, and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with visible flagging and/or orange protective fencing.</p>	<ol style="list-style-type: none"> 1. Specify measure in contract documents; 2. Monitor during construction 	<p>Public Works Department</p>
<p>BIO-5: Erosion control measures shall be implemented to prevent runoff to the Salinas River corridor and associated tributaries. Silt fencing, in conjunction with other methods, shall be used to prevent erosion and avoid and/or minimize silts and sediments from entering adjacent waterways.</p>	<ol style="list-style-type: none"> 1. Specify measure in contract documents; 2. Monitor during construction 	<p>Public Works Department</p>
<p>BIO-6: During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from the Salinas River and the adjacent stream. Straw bales, sandbags, and sorbent pads shall be available to prevent water and/or spilled fuel from entering stream channels. In addition, all equipment and materials shall be stored/stockpiled away from the swale. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.</p>	<ol style="list-style-type: none"> 1. Specify measures in contract documents; 2. Monitor during construction 	<p>Public Works Department</p>
<p>BIO-7: Protective fencing shall be installed along the perimeter of the Project Site to protect the surrounding habitat located adjacent to the work area. This would include the riparian corridor of the Salinas River and the maintained drainage feature within the northeast portion of the Project Site.</p>	<ol style="list-style-type: none"> 1. Specify measure in contract documents; 2. Prior to commencement of work 	<p>Public Works Department</p>
<p>BIO-8: Oak tree protection and replacement procedures shall be implemented during the Project. This</p>	<ol style="list-style-type: none"> 1. Specify in contract 	<p>Public Works</p>

Mitigation Measure	Time Frame	Monitoring Agency
<p>includes procedures for protecting oak trees to remain in place during construction, and replacing oak trees that are impacted. Oak tree protections must comply with the City of Paso Robles Tree Ordinance No. 835 N.S; therefore, the following measures shall be implemented to mitigate for potential impacts to oak trees:</p> <ul style="list-style-type: none"> ● Permits to Remove or Prune will be obtained in the event any oak tree or limb over 6-inches in DBH are to be removed, or otherwise destroyed; ● Protective fencing shall be installed around oak trees that have the potential to be impacted by proposed construction activities. The fencing shall be installed prior to grubbing/construction and provide the greatest protection of the root zone of oak trees; ● To further protect oak trees to remain in place, a certified arborist shall be retained to perform any necessary hand trimming of oak tree limbs overhanging the proposed pipeline corridor and around the perimeter of the WTP. This shall be conducted prior to allowing construction equipment access to avoid and/or minimize the potential for inadvertent damage to oak trees limbs; ● Newly planted oak trees should be placed around the perimeter of the proposed building envelope, along the proposed water tank access road, and within the proposed water tank site. The location of newly planted oak trees shall adhere to the following whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; north-facing slopes; within drainages swales; where topsoil is present; and if clustered, at least 10-feet "on center" separation between each tree. Tree spacing will average approximately 15 feet on-center. Some clustering is acceptable to maintain a more natural appearance; and, ● Newly planted trees shall be maintained until successfully established. This shall include protection (e.g., caging, tree shelters) from burrowing and browsing animals (e.g., deer, rodents), regular weeding (minimum of once early fall and once early spring) of at least a 3-foot radius around the plant base and adequate watering. Heavy mulching is also recommended. If possible, planting during the warmest, driest months (June through September) shall be avoided. 	<p>documents;</p> <ol style="list-style-type: none"> 2. Prior to commencement of work 3. Monitor during construction 	<p>Department</p>
<p>BIO-9: To minimize the effects of future exterior lighting on special status wildlife species (i.e., southwestern pond turtle, CRLF, etc.), all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting to adjacent streams and surrounding habitat areas.</p>	<ol style="list-style-type: none"> 1. Specify measures in contract documents; 2. Monitor during construction 	<p>Public Works Department</p>
<p>BIO-10: During HDD operations across the Salinas River, a monitor shall be on-site to inspect the River corridor and pipeline alignment during drilling activities that have the potential for a spill or "Frac-out" (i.e. pull back operations, etc.) to ensure there are no impacts to the Salinas River. In the event of a spill or "Frac-out" within the Salinas River corridor, all work shall be halted and the spill shall be contained using the procedures outlined in the "Frac-out Contingency Plan."</p>	<ol style="list-style-type: none"> 1. Specify measures in contract documents; 2. Monitor during construction 	<p>Public Works Department</p>
<p>BIO-11: A "Frac-out Contingency Plan" shall be prepared for HDD operations within the Salinas River</p>	<ol style="list-style-type: none"> 1. Specify measure in 	<p>Public Works</p>

Mitigation Measure	Time Frame	Monitoring Agency
<p>channel and shall include appropriate measures for containment of spills, agency notifications, clean-up protocols, and restoring the river channel to pre-disturbance conditions.</p>	<p>contract documents; 2. Prior to commencement of work</p>	<p>Department</p>
<p>BIO-12: In the event that a “Frac-out” occurs within the Salinas River channel due to horizontal directional drilling (HDD) activities, a 404 Permit shall be obtained from the U.S. Army Corps of Engineers to facilitate any required clean-up activities within the river channel.</p>	<p>1. Specify measures in contract documents; 2. Monitor during construction</p>	<p>Public Works Department</p>
<p>CUL-1: Prior to Project construction, conduct Phase II Evaluations, and if needed, Phase III Data Recovery Excavations at the three sites determined to be within the Project alignment (CA-SLO-1894, SLO-1895, and SLO-1896). Archaeological investigations may involve a combined (or phased) approach to identify significant resources and mitigate impacts to significant sites. The purpose of Phase II Evaluation should be to determine if the portions of these sites in the Project alignment are considered significant cultural resources (historical resources) under CEQA, and to assess Project impacts to significant resources. Phase II evaluations should comprise archaeological sampling of selected portions of the sites within the Project corridor, and evaluating the materials collected to determine if the site contains important information and retains the integrity necessary and sufficient to meet the criteria for significance under CEQA. The level of effort proposed for each site should be sufficient to evaluate the site for California Register of Historic Places (CRHP) eligibility (integrity and content). Methods employed should be appropriate to address horizontal and vertical extent of site deposits in the Project corridor. If Phase II evaluations do not support eligibility, work at that site will cease (i.e., data recovery/mitigation will not be necessary). Significant sites determined to require mitigation of Project effects shall be subject to Phase III Data Recovery Excavations. The goal of the data recovery should be to retrieve, analyze, and disseminate anthropological information stored in the in the part of the site that will be impacted by the Project. Work should be guided by a research design/treatment plan outlining pertinent research issues, field methods, laboratory processing, special studies, curation, and reporting requirements.</p>	<p>1. Prior to commencement of work. 2. Specify measure in contract documents.</p>	<p>Public Works Department</p>
<p>CUL-2: Planning phases of the Phase II/Phase III work should include consultation with the public, specifically local Native American tribal representatives to address traditional uses of the Project area, and their concerns about the disposition of traditional and archaeological resources.</p>	<p>1. Prior to commencement of work. 2. Specify measure in contract documents.</p>	<p>Public Works Department</p>
<p>CUL-3: During construction, a qualified archaeological monitor should be present during ground disturbance in the Project area to ensure that any newly discovered resources are evaluated under current CEQA guidelines. If prehistoric or historic deposits or features are discovered during construction, activities in the area should cease and a qualified archaeologist should inspect the discovery and prepare a recommendation for a further course of action.</p>	<p>1. Specify measures in contract documents; 2. Monitor during construction</p>	<p>Public Works Department</p>
<p>GEO-1: To avoid and minimize any adverse impacts related to erosion, the City shall develop a</p>	<p>1. Specify measure in</p>	<p>Public Works</p>

Mitigation Measure	Time Frame	Monitoring Agency
<p>Construction Storm Water Plan, which shall include the following elements (specific details are provided in Appendix C):</p> <ul style="list-style-type: none"> ● soil stabilization; ● sediment, tracking, and dust control; ● material and waste management; ● vehicle and equipment BMPs; and ● dewatering measures. 	<p>contract documents;</p> <p>2. Prior to execution of a construction contract.</p>	<p>Department</p>
<p>GEO-2: A geotechnical engineering report shall be prepared and recommendations contained therein shall be incorporated as mitigation measures to address seismic issues and potential for expansive soils.</p>	<p>1. Specify measure in contract documents;</p> <p>2. Prior to execution of a construction contract.</p>	<p>Public Works Department</p>
<p>HWQ-1: City shall develop in detail a Construction Storm Water Plan in conjunction with the Project's final design and grading plan for implementation during construction activities. Specific details are provided in the City's Construction Site Storm Water Quality Requirements (Appendix C). Elements covered in the program would include:</p> <ul style="list-style-type: none"> ● soil stabilization; ● sediment control; ● tracking control; ● material and waste management; ● dust control; ● vehicle and equipment BMPs, and, ● dewatering measures. 	<p>1. Specify measure in contract documents;</p> <p>2. Prior to commencement of work.</p>	<p>Public Works Department</p>
<p>HWQ-2: In order to ensure compliance with State requirements, the City shall file a Notice of Intent to Comply with NPDES requirements with the SWRCB and develop a SWPPP incorporating elements of the Construction Storm Water Plan above, and any additional measures required by the NPDES permit.</p>	<p>Prior to commencement of work</p>	<p>Public Works Department</p>
<p>HWQ-3: In order to ensure compliance with State requirements, the City shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) if Project will result in disturbance to the riparian vegetation or bed/bank of the Salinas River.</p>	<p>Prior to commencement of work</p>	<p>Public Works Department</p>
<p>NOI-1: The City shall ensure that the construction contractor employs the following noise reducing measures during construction activities :</p> <ul style="list-style-type: none"> ● Construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. 	<p>Specify measure in contract documents</p>	<p>Public Works Department</p>

Mitigation Measure	Time Frame	Monitoring Agency
<p>except for the Horizontal Directional Drilling Construction. No construction activities shall take place on Saturdays or Sundays or federal or state holidays; or</p> <ul style="list-style-type: none"> ● The Public Works Director shall review and approve any proposed construction activities to be conducted during nights and weekends; and ● All equipment shall have sound-control devices no less effective than those provided by the manufacturer. No equipment shall have un-muffled exhaust pipes. 		
<p><u>TRA-1:</u></p> <ul style="list-style-type: none"> ● To the maximum extent feasible, construction-related vehicles would be prohibited from parking on residential streets; and, ● Construction equipment and vehicle staging would be located to hinder the traffic flow as little as possible in the areas where the actions are implemented. 	Specify measure in contract documents	Public Works Department

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



Paso Robles

September 2, 2008

SEP 05 2008

Planning Division

Ed Gallagher
 City of Paso Robles
 1000 Spring Street
 Paso Robles, CA 93446

RE: SCH# 2008081115 Paso Robles Water Treatment Plant and Main East Pipeline Project; San Luis Obispo County

Dear Mr. Gallgher:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
 Program Analyst
 (916) 653-4040

CC: State Clearinghouse

Native American Contacts
San Luis Obispo County
September 2, 2008

Puilulaw Khus
2001 San Bernardo Creek
Morro Bay , CA 93442
Chumash

Diane Napoleone and Associates
Diane Napoleone
6997 Vista del Rincon
La Conchita , CA 93001
Chumash
dnaassociates@sbcglobal.net

Lei Lynn Odom
1339 24th Street
Oceano , CA 93445
(805) 489-5390
Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
John W. Burch, Traditional Chairperson
8315 Morro Rd, #202
Atascadero , CA 93422
salinantribe@aol.com
805-460-9202
805 235-2730 Cell
805-460-9204
Salinan

Judith Bomar Grindstaff
63161 Argyle Road
King City , CA 93930
(831) 385-3759-home
Salinan

Xolon Salinan Tribe
Donna Haro
110 Jefferson Street
Bay Point , CA 94565
(925) 709-6714
(925) 458-0341 FAX
Salinan

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach , CA 93433
cheifmrvigil@fix.net
(805) 481-2461
(805) 474-4729 - Fax
Chumash

Salinan Nation Cultural Preservation Association
Doug Alger, Cultural Resources Coordinator
PO Box 56
Lockwood , CA 93932
fabbq2000@earthlink.net
(831) 262-9829 - cell
(831) 385-3450
Salinan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008081115 Paso Robles Water Treatment plant and Main East Pipeline Project; San Luis Obispo County.

Native American Contacts
San Luis Obispo County
September 2, 2008

Salinan Nation Cultural Preservation Association
Robert Duckworth, Environmental Coordinator
Drawer 2447 Salinan
Greenfield , CA 93927
dirobduck@thegrid.net
(831) 385-1882
(831) 674-5019

Salinan Nation Cultural Preservation Association
Gregg Castro, Administrator
5225 Roeder Road Salinan
San Jose , CA 95111
glcastro@pacbell.net
(408) 864-4115

Salinan Nation Cultural Preservation Association
Jose Freeman, President
15200 County Road, 96B Salinan
Woodland , CA 95695
josefree@ccio1.com
(530) 662-5316

Salinan-Chumash Nation
Xielolixii
3901 Q Street, Suite 31B Salinan
Bakersfield , CA 93301 Chumash
xielolixii@yahoo.com
661-864-1295
408-966-8807 - cell

Mona Olivas Tucker
660 Camino Del Rey Chumash
Arroyo Grande , CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell

Northern Chumash Tribal Council
Fred Collins, Spokesperson
1177 Marsh Street, Suite 110 Chumash
San Luis Obispo , CA 93401
(805) 801-0347 (Cell)

Matthew Darian Goldman
660 Camino Del Rey Chumash
Arroyo Grande , CA 93420
(805) 550-0461 Home

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: September 3, 2008

Hearing Date: October 7, 2008

Project: Paso Robles Water Treatment
Plant and Main East Pipeline
(City of Paso Robles)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

CITY OF PASO ROBLES
NOTICE OF INTENT TO ADOPT A MITIGATED
NEGATIVE DECLARATION

Notice is hereby given that the City of Paso Robles will consider adoption of a Mitigated Negative Declaration in accordance with the California Environmental Quality Act for the project described below:

Project Title: Paso Robles Water Treatment Plant and Main East Pipeline

Applicant: City of Paso Robles

Project Location: The treatment plant will be situated at the City's Thunderbird Well Site located east of Ramada Drive and the Union Pacific Railroad (UPRR), west of the Salinas River and north of an imaginary extension of Highway 46 West east of Ramada Drive. The Main East Pipeline will extend north from the proposed treatment plant, along the east side of the UPRR, to a point due west of the western terminus of the existing right-of-way for a westward extension of Charolais Road. At that point, the pipeline will turn due east, run beneath the Salinas River and through the existing right-of-way for a westward extension of Charolais Road to connect with existing water mains in South River Road. The entire project will be located within the corporate limits of the City of Paso Robles, California

Project Description: The City of Paso Robles plans to construct a plant to treat water from the Nacimiento Water Project, up to 12 million gallons per day, store treated water and convey treated water to the East Side of the City.

The Public Review Period for the proposed Mitigated Negative Declaration will commence on September 3, 2008, and will end on October 7, 2008. At their regularly-scheduled meeting of October 7, 2008, the City Council will meet, accept oral and written comments on the proposed Mitigated Negative Declaration, close the public comment period, and consider adopting the proposed Mitigated Negative Declaration. This meeting will take place at 7:30 pm in the Library Conference Center at Paso Robles Library/ City Hall, 1000 Spring Street, Paso Robles, California.

FINDING

The City of Paso Robles has reviewed the above project in accordance with the City of Paso Robles' Rules and Procedures for the Implementation of the California Environmental Quality Act and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures to protect oak trees described in the Initial Study and hereby made a part of Mitigated Negative Declaration have been added to the project.

The Draft Mitigated Negative Declaration, including an Initial Study which provides the basis for this determination, is available at the City of Paso Robles, Community Development Department, 1000 Spring Street, Paso Robles, CA 93446.

NOTICE

The public is invited to provide written comment on the Draft Mitigated Negative Declaration and to provide oral comment at the public meeting noted above. The appropriateness of the Draft Mitigated Negative Declaration will be reconsidered in light of the comments received.

Questions about the proposed project and Mitigated Negative Declaration may be directed to Ed Gallagher, City Planner at (805) 237-3970 or via email to ed@prcity.com. Comments on the proposed project and Mitigated Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or e-mailed to CDdirector@prcity.com provided that any comments are received no later than 7:30 pm on October 7, 2008.

Ed Gallagher, City Planner