

**AGENDA**  
**ENGINEERING and OPERATIONS COMMITTEE**  
**Thursday, September 2, 2021, at 9:00 am**  
**Boardroom, 1701 North Lombard Street, Oxnard CA 93030**

**Call to Order – Open Session**  
**Committee Members roll call**

**1. Public Comment (Proposed Time: 5 minutes)**

The public may comment on any matter not on the agenda within the jurisdiction of the Committee. All comments are subject to a five-minute time limit.

**2. Approval of Minutes (Proposed Time: 5 minutes)**

The Committee will review and consider approving the Minutes from the July 1, 2021 Engineering and Operations Committee meeting.

**3. September 8, 2021 Board Meeting Motion Agenda Items**

**3.1 Resolution 2021-17 Approving the CEQA Initial Study-Mitigated Negative Declaration and issuance of the Notice of Determination for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project** (Environmental Services Department, Randall McInvale) (Proposed Time: 10 minutes)

The committee will consider recommending approval of Resolution 2021-17, approving the Initial Study-Mitigated Negative Declaration (IS-MND) and accompanying Mitigation Monitoring and Reporting Program (MMRP) for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, to the full Board.

**3.2 Geotechnical Investigation at the Freeman Diversion** (Engineering Department, Craig Morgan) (Proposed Time: 10 minutes)

The committee will consider recommending approval of the motion item, awarding a consulting engineering contract to GEI Consultants, Inc. in the amount of \$499,724 (includes 9% contingency or \$41,403 to be used upon the District's written authorization only) and authorize the General Manager to execute the contract with GEI Consultants, Inc. for the Geotechnical Investigation at the Freeman Diversion, to the full Board.

**3.3 Authorize an Emergency Use Interconnection with California American Water for the El Rio Service Area** (Engineering Department, Maryam Bral) (Proposed Time: 5 minutes)

The committee will consider recommending approval of the motion item, authorizing the General Manager to execute an agreement with California American Water to establish an emergency use interconnection to the Oxnard Hueneme Pipeline for providing additional System Reliability to the El Rio Service Area, to the full Board.



**4. Project Highlights**

**4.1 Operations and Maintenance Department Monthly Update** (Operations and Maintenance Department, John Carman/Brian Collins) (Proposed Time: 10 minutes)

**4.2 Freeman Diversion Sediment Management Project – Update** (Environmental Services Department, Evan Lashly) (Proposed Time: 10 minutes)

**5. Future Agenda Topics**

**ADJOURNMENT**

**Directors:**

Lynn Maulhardt, Chair  
Edwin T. McFadden III  
Daniel C. Naumann

**Staff:**

Mauricio E. Guardado Jr.	Dr. Maryam Bral
Anthony Emmert	Brian Collins
Craig Morgan	Michel Kadah
Robert Richardson	Adrian Quiroz
Linda Purpus	

*The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, please contact the District Office at (805) 525-4431. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.*

Approved:

Mauricio E. Guardado, Jr., General Manager

Dr. Maryam Bral, Chief Engineer

Brian Collins, Chief Operations Officer

Posted: (date) August 26, 2021

(time) 4:45 p.m.

(attest) *Destiny Rubio*

At: United Water Conservation District Headquarters, 1701 Lombard Street, Oxnard CA 93030

Posted: (date) August 26, 2021

(time) 5:00 p.m.

(attest) *Destiny Rubio*

At: [www.unitedwater.org](http://www.unitedwater.org)



Board of Directors  
Michael W. Mobley, President  
Bruce E. Dandy, Vice President  
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Lynn E. Maulhardt  
Edwin T. McFadden III  
Daniel C. Naumann

General Manager  
Mauricio E. Guardado, Jr.

Legal Counsel  
David D. Boyer

**MINUTES**  
**ENGINEERING AND OPERATIONS**  
**COMMITTEE MEETING**

**Thursday, July 1, 2021, 9:00 A.M.**

**Board Room**

**UWCD, 1701 North Lombard Street, Oxnard CA 93030**

**COMMITTEE MEMBERS PRESENT:**

Director Edwin T. McFadden III  
Director Daniel C. Naumann  
Director Lynn E. Maulhardt, chair

**STAFF ATTENDING**

Mauricio E. Guardado, Jr., general manager  
Dr. Maryam Bral, chief engineer  
Anthony Emmert, assistant general manager  
Brian Collins, chief operations officer  
Joseph Jereb, chief financial officer  
Craig Morgan, senior engineer  
Robert Richardson, senior engineer  
Adrian Quiroz, associate engineer  
Erik Zvirbulis, GIS analyst  
Josh Perez, human resources manager  
Zachary Plummer, IT administrator  
Linda Purpus, environmental services manager  
Tessa Lenz, associate environmental scientist  
Cherie Windsor, environmental services field technician

**PUBLIC PRESENT**

None

**OPEN SESSION:** 9:02 a.m.

Director McFadden called the Engineering and Operations Committee Meeting to order at 9:02 a.m.

**1. Public Comment**

Director McFadden asked if there were any public comments for the Committee. None were offered.

## **2. Approval of Minutes**

Motion to approve the Minutes from the May 6, 2021 Engineering and Operations Committee meeting, Director McFadden; Second, Director Naumann. Voice vote, two ayes (Naumann, McFadden); none opposed; one absent (Maulhardt). Motion carried, 2/0/1.

General Manager Mauricio Guardado requested a reorder of the agenda, for items 3.5 and 4.2 to be presented first.

## **3. July 14, 2021 Board Meeting Motion Agenda Items**

### **3.5 Approving the procurement of a Long Reach Excavator**

Chief Operations Officer Brian Collins addressed the committee regarding a request to recommend approval of the motion item to the full Board which considers authorizing the General Manager to execute the procurement of a long reach excavator in the amount of \$281,000. The committee members agreed to recommend approval of the motion item to the full Board.

## **4. Project Highlights**

### **4.2 Operations Department Monthly Update**

Chief Operations Officer Brian Collins provided updates and slides (see attached) on the Operations and Maintenance department's activities for the month. Mr. Collins stated that Operations undertook a big project on the PTP System which resulted in shutdown for 12 users over a three (3) day period, he added that there was significant stakeholder outreach to ensure that all owners and irrigators were informed of the outage and were able to collaborate through the challenge. The committee members had no further questions.

### **3.1 Iron and Manganese Treatment Project Construction Management and Inspection Services Contract Award to HDR Engineering, Inc.**

Dr. Bral informed the committee of a request to recommend awarding a construction management and inspection services contract to HDR Engineering, Inc., in the amount of \$701,956 (includes 10% contingency or \$63,814 to be used upon written authorization only) and authorizing the General Manager to execute the contract with HDR Engineering, Inc., for construction and inspection services for the Iron and Manganese Treatment Plant to the full Board. The committee members agreed to recommend approval of the motion item to the full Board.

Chair Maulhardt joined the meeting at 9:17 am.

### **3.2 Iron and Manganese Treatment Project Design Services during Construction Contract Award to Kennedy Jenks Consultants, Inc.**

Dr. Bral informed the committee of a request to recommend awarding a design service during construction contract to Kennedy Jenks Consultants, Inc. (K/J), in the amount of \$537,488 (includes 10% contingency or \$48,863 to be used upon written authorization only) and authorizing the General Manager to execute the contract with Kennedy Jenks Consultants, Inc., for design services during construction for the Iron and Manganese Treatment Plant to the full Board.

Dr. Bral also included the revised staff report for agenda item 3.2 (see attached).

Director Naumann stated that everyone is anxiously waiting for this project and asked if Dr. Bral could provide an update on the project time frame. Dr. Bral stated that Engineering is ready to begin construction as soon as the three contracts are awarded. Construction will begin in August of this year and will be complete by October of next year, which is a 16 month duration.

Chair Maulhardt asked for clarification on what design services consist of. Dr. Bral stated that K/J is the primary designer, their scope is to prepare plans and specifications during process and are also responsible for quality control/ assurance during construction. She added, it is typical practice to have the designer and construction manager alongside during the construction phase, their role is to make sure the contractor does not deviate from the design and if so, this deviation would then be captured in the drawings.

Chair Maulhardt then inquired about the role of the construction manager. Dr. Bral stated that the construction manager is the actual boots on the ground, they are looking over the construction contractors' shoulders and ensuring that the specifications are a match.

Chair Maulhardt stated that United has essentially a \$10.5 million dollar contract for this project. Dr. Bral stated that at the OH Users meeting, staff presented the engineering cost estimate. Mr. Guardado stated these costs were also included in the budget workshops. Dr. Bral then stated that we also received grants for this project.

Direct McFadden asked if this is a standard practice, Dr. Bral responded and stated that yes, it is a standard practice. Mr. Guardado requested that staff include detail on the functions of each role for the Board Meeting. Chair Maulhardt stated this is a series of checks and balances and ensures that the \$9 million project cost is constructed correctly. The committee members agreed to recommend approval of the motion item to the full Board.

### **3.3 Iron and Manganese Treatment Project Construction Contract Award to GSE Construction Company, Inc.**

Dr. Bral informed the committee of a request to recommend approval of the motion item to the full Board that considers awarding a contract to the lowest responsible bidder, GSE Construction Company, Inc., in the amount of \$9,342,900 and authorizing the General Manager to execute the contract with GSE Construction Company, Inc. for the construction of the Iron and Manganese Treatment Plant. Dr. Bral stated that United cast a wide net to attract the attention of contractors for this project, because of the market conditions staff expected the bid results to be significantly higher than the engineers cost estimate. Staff selected GSE as the lowest responsible bidder, GSE has been in business for 39 years and specializes in construction of water and wastewater infrastructure. The bid received from GSE is within budget expected for this fiscal year and next fiscal year.

Director Naumann mentioned the rising price of materials and asked what will occur if we cannot obtain an item. Dr. Bral stated that staff is well aware of this issue and has been notified by the design engineer and construction manager that if that occurs, we will

have K/J to look at the equals which meet the design criteria. The committee members agreed to recommend approval of the motion item to the full Board.

### **3.4 Resolution 2021-16 Approving the CEQA Notice of Exemption Determination for the Lake Piru Water Treatment Plant Slope Repair and Drainage Improvements Project**

Dr. Bral informed the committee of a request to recommend approval of Resolution 2021-16 to the full Board that considers approving the California Environmental Quality Act (CEQA) Notice of Exemption (NOE) determination for the Lake Piru Water Treatment Plant Slope Repair and Drainage Improvements Project and authorizing staff to file a NOE for the project with the Ventura County Clerk and Recorder's Office. The committee members agreed to recommend approval of the motion item to the full Board.

### **4.1 Engineering Department Monthly Update**

Dr. Bral provided updates and slides (see attached) on the Engineering department's activities for the month. Dr. Bral stated that the Grand Canal project will be complete by the end of July.

### **4.3 Environmental Services Department Monthly Update**

Environmental Services Manager Linda Purpus provided updates and slides (see attached) on quagga monitoring and control activities. Ms. Purpus stated that the departments plan is to present an Initial Study Mitigative Negative Declaration (ISMND) to the Board in September. Associate Environmental Scientist Tessa Lenz and Environmental Services Field Technician Cherie Windsor provided updates on the quagga activities. Chair Maulhardt stated that Lake Piru level is low and asked if these conditions are setting up for growth of quagga mussels. Ms. Lenz provided an explanation of seasonal stratification in Lake Piru and the potential effects on quagga mussels.

Ms. Lenz provided information on water quality, veliger sampling, adult mussel recruitment, and streambed surveys. Ms. Lenz showed a chart indicating the adult quagga mussel population in the lake has declined since the peak in 2015 and 2016. Director Naumann asked why this is occurring. Ms. Lenz discussed an observed pattern correlating high suspended sediment levels in the lake to a decline in adult mussel population. It has been hypothesized the suspended sediment is smothering the adult mussels in the lake. Director Naumann asked if we could incorporate control or containment measures into the design of the Santa Felicia Dam. Dr. Bral stated that throughout the design evaluations staff has explored epoxy coated steel as it is a material quagga mussel do not attach to, staff is working with GEI to identify alternative options.

Chair Maulhardt inquired if staff has explored solutions downstream. Dr. Bral stated that as staff is advancing the design, staff are more engaged with GEI Consultants and Environmental Staff to find alternatives to contain the release of veligers through the outlet works.

Ms. Lenz stated that scraping of infrastructure is an effective control strategy to protect infrastructure in the lake, Mr. Guardado added that staff has increased the amount of scraping to multiple times a year.

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July 1, 2021

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Chair Maulhardt asked how long these species can survive without water. Ms. Lenz stated that according to research from Richter 2008, Pacific Northwest Aquatic Invasive Species Profile, they can survive for four to 21 days out of water.

Director Naumann asked if staff has a plan in place in case these species travel to Pleasant Valley (PV). Ms. Lenz stated that staff has increased monitoring and sampling in the lower system. In addition, staff has budgeted for a permanent sodium hypochlorite injection facility to treat the lower system.

**5. Future Agenda Topics**

No future agenda topics were offered.

**ADJOURNMENT 11:06 a.m.**

Director McFadden adjourned the Engineering and Operations Committee meeting at 11:06 am.

I certify that the above is a true and correct copy of the minutes of the Engineering and Operations Committee Meeting of July 1, 2021.

**ATTEST:**

\_\_\_\_\_  
Edwin T. McFadden II, Director



### **Staff Report**

**To:** Engineering and Operations Committee

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Robert Richardson, Senior Engineer  
Adrian Quiroz, Associate Engineer

**Date:** June 24, 2021 (July 1, 2021 Committee Meeting)

**Agenda Item:** **3.2 Design Services During Construction Contract Award to Kennedy/Jenks Consultants, Inc. for the Iron and Manganese Treatment Removal (Phase 1) Project**  
**Motion**

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#### **Staff Recommendation:**

The committee will consider recommending awarding a contract to Kennedy/Jenks Consultants, Inc. in the amount of \$537,488 (includes 10% contingency or \$48,863 to be used upon the District's written authorization only) and authorizing the General Manager to execute the contract with Kennedy/Jenks Consultants, Inc. for design services during construction of the Iron and Manganese Treatment Removal (Phase 1) Project to the full Board.

#### **Introduction:**

The District is proposing to construct an iron and manganese treatment facility (Project) for three (3) existing Lower Aquifer System (LAS) wells as part of the El Rio Water Treatment and Groundwater Recharge Facility (El Rio). Phase 1 will include treatment up to 3,500 gallons per minute (15.47 AFD) and provisions have been included to allow for a future expansion up to 8,500 gallons per minute (37.56 AFD or the entire LAS wellfield capacity). The Project is considered a drought resiliency project and will help secure drinking water supplies during periods when water supply and quality becomes impaired in the Upper Aquifer System (UAS). The Project will primarily be operated during periods of drought when use of UAS wells is limited by nitrate concentrations or low groundwater levels.

#### **Background:**

The recent drought conditions that started in 2012 caused nitrate concentrations in the UAS wells to increase, corresponding with gradually declining groundwater levels. Production from the LAS wells and subsequent blending with water from the UAS wells allowed the District to maintain nitrate concentrations in delivered water below the maximum contaminant level (MCL). However, water produced from the deep LAS wells contain high levels of iron and manganese. Although not a health concern, both contaminants are regulated by the Division of Drinking Water as secondary drinking water standards. In addition, high iron and manganese concentrations can cause fouling

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**Agenda Item 3.2 Design Services During Construction Contract Award to Kennedy/Jenks Consultants, Inc. for the Iron and Manganese Treatment Removal (Phase 1) Project**  
**Motion**

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in reverse osmosis systems which has been observed at the downstream Brackish Water Reclamation Demonstration Facility operated by Port Hueneme Water Agency (PHWA).

In August 2016, District staff completed a feasibility study for construction of an iron and manganese treatment facility at El Rio that included the results from pilot testing performed by Layne Christensen Company which informed filter media selection. In July 2018, the District's Board of Directors awarded a design services contract to Kennedy/Jenks Consultants, Inc. (Kennedy/Jenks) for final design and bid phase services related to the proposed Project. In September 2018, District staff completed a second pilot test to inform the final design as it relates to washwater recovery and waste solids handling. In January 2021, Kennedy/Jenks completed the final stamped and signed plans, specifications, and estimate. In June 2018, the Project was selected by the United States Bureau of Reclamation for \$300,000 in grant funding under the WaterSMART Drought Response Program. In September 2020, the Project was selected by the California Department of Water Resources for \$2.5 million in grant funding as one of five projects that received funding submitted by the Watersheds Coalition of Ventura County under the Proposition 1 Integrated Regional Water Management (IRWM) Implementation Grant Program. Altogether, \$2.8 million in grant funding will be applied to the construction of the Project.

**Discussion:**

Kennedy/Jenks will provide design services during construction that include quality assurance and control to ensure design intent is met; attend construction progress meetings to clarify design intent as needed; prepare the conformed plans and specifications to include addenda produced during the bid process; coordinate with the District's Project Manager and Construction Manager; respond to the Contractor's Requests for Information (RFI); review, comment and respond to Contractor's shop drawings and submittals; review and respond to Change Order Requests (CORs); provide structural inspections per the California Building Code; provide assistance in the start-up and testing of the facility; prepare record drawings based on the Contractor's red line drawings; and assist with preparation of the Operations and Maintenance Manual. The proposed services will be provided for the entire period of construction and implementation which is anticipated to be complete on October 30, 2022.

Staff is recommending a contract to Kennedy/Jenks in the amount of \$537,488 (includes 10% contingency or \$48,863 to be used upon the District's written authorization only).

**Mission Goal:**

Meets Mission-Related Goal B, System Reliability – Ensure that the District's existing and planned water supply, conveyance, and recharge systems meet regional needs, including emergency response.

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**Agenda Item 3.2    Design Services During Construction Contract Award to  
Kennedy/Jenks Consultants, Inc. for the Iron and Manganese  
Treatment Removal (Phase 1) Project  
Motion**

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**Fiscal Impact:**

The total design services during construction cost of \$537,488 is included in the Fiscal Year 2021-22 through 2022-23 Capital Improvement Project (CIP) Budget of \$12,570,508 (CIP No. 8007). No additional funding is requested.

**Attachments:**

Attachment A - Agreement

**AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into on \_\_\_\_\_, 2021, by and between the **United Water Conservation District**, Ventura County, California, (hereinafter “**UNITED**”), and **Kennedy/Jenks Consultants, Inc.**, a multi-disciplinary engineering consulting firm, (hereinafter “**CONSULTANT**”).

**RECITALS:**

WHEREAS, UNITED desires to obtain professional engineering services in connection with the **Iron and Manganese Treatment Plant at the El Rio Water Treatment and Groundwater Recharge Facility** (“Project”); and

WHEREAS, UNITED has selected CONSULTANT to provide such services; and

WHEREAS, CONSULTANT represents that it has the skills, experience, license, and expertise to perform these professional services for UNITED; and

WHEREAS, UNITED is desirous of engaging the services of CONSULTANT to perform these services;

NOW, THEREFORE, based on the terms and covenants set forth herein, UNITED and CONSULTANT mutually agree as follows:

**1. EMPLOYMENT**

A. UNITED hereby employs CONSULTANT to perform and complete the professional engineering services as set forth in Exhibit “A” (“Scope of Work/Schedule of Charges”). CONSULTANT shall perform such professional services as set forth in Exhibit “A” and shall furnish or procure the use of incidental services, equipment, and facilities reasonably necessary for the completion of services.

B. Any extra work over and above that included in the Scope of Work included in Exhibit “A” shall be in compliance with Section 3D.

C. CONSULTANT represents that its services shall be performed, within the limits prescribed by UNITED, in a manner consistent with the level of care and skill ordinarily exercised by other engineering professionals under similar circumstances at the time and in the vicinity its services are performed.

D. **Jeffrey T. Savard** shall: (a) personally perform or supervise the performance of services on a day-to-day basis on behalf of CONSULTANT; and (b) maintain direct communication with UNITED's **Senior Engineer, Robert J. Richardson** or designee in the performance of CONSULTANT's services.

E. CONSULTANT in the performance of services hereunder shall fully comply with any and all local, state and federal laws, regulations, ordinances, and policies applicable to its work, including any licensing laws applicable to CONSULTANT's profession and anti-discrimination laws pertaining to employment practices.

F. In the event of any conflict between the terms and conditions set forth in Exhibit A (Scope of Work/Schedule of Charges) versus those terms and conditions set forth in this Agreement, the terms and conditions set forth in this Agreement shall govern and the conflicting terms and conditions in Exhibit A shall not apply.

## **2. TERM OF AGREEMENT**

Unless otherwise earlier terminated as specified in Section 8, this Agreement shall commence on the date set forth above and shall expire on **December 31, 2022**.

## **3. COMPENSATION**

Payment by UNITED for the consulting services shall be considered as full compensation for all personnel, materials, supplies, and equipment used in carrying out the work.

A. Compensation and payments to the CONSULTANT shall be as described below:

1. UNITED shall compensate CONSULTANT on a time and expenses basis not to exceed **five hundred thirty-seven thousand four hundred eighty-eight dollars (\$537,488), including 10 percent contingency to be used only upon District's written authorization**, for performing all services authorized and required by this Agreement and specified in Exhibit "A." UNITED shall compensate CONSULTANT only for actual costs incurred on a time and expenses basis, but in no event shall the total compensation be greater than the not to exceed amount above. However, the total amount paid on a time and expenses basis may be lower than the not to exceed amount above based on actual costs incurred. Payment shall be made in accordance with CONSULTANT's Schedule of Charges submitted to UNITED, included in Exhibit "A" attached and incorporated by reference herein.

2. CONSULTANT shall provide UNITED with monthly itemized invoices. Invoices shall include the categories and identities of CONSULTANT's employees performing services, a description of the services, the number of hours spent performing services, the hourly rate for each employee, CONSULTANT's actual costs and expenses, and the total amount of compensation requested by

CONSULTANT for that month. Upon UNITED's request, CONSULTANT shall include with its monthly invoices a detailed verification, including accounting records, of the work actually performed and costs and expenses incurred, along with any other documents or information reasonably requested by UNITED.

B. UNITED shall pay CONSULTANT within thirty (30) days after receipt of CONSULTANT's invoices, with the exception of any disputed amounts which shall be withheld until resolution of the dispute. If UNITED has reasonable grounds to believe that CONSULTANT will be unable to materially perform the services under this Agreement, or there exists or may exist a claim against CONSULTANT arising out of CONSULTANT's negligence or intentional acts, errors, omissions, or material breach of any provision of this Agreement, then UNITED may withhold payment of any reasonable amount due to CONSULTANT which is directly related to such negligence, intentional act, error, omission or material breach. No payment made under this Agreement shall be conclusive evidence of CONSULTANT's performance of the Agreement, either wholly or in part, and no payment shall be construed to be an acceptance by UNITED of CONSULTANT's work.

C. CONSULTANT shall notify UNITED in writing of the need for additional services required due to the circumstances beyond the CONSULTANT's control ("Additional Services"). The CONSULTANT shall obtain written authorization from UNITED before rendering any Additional Services. Compensation for all approved Additional Services shall be negotiated and approved in writing by UNITED before such Additional Services are performed by CONSULTANT. No compensation shall be paid to the CONSULTANT for any Additional Services that are not previously approved by UNITED in writing.

D. Reimbursable expenses, if applicable, are in addition to compensation for services outlined in the Scope of Work and Additional Services, and shall be paid to the CONSULTANT in accordance with the guidelines specified on Exhibit "B". Reimbursable expenses are paid at the actual costs, without mark-ups, incurred by the CONSULTANT and the CONSULTANT's employees in conduct of Agreement activities.

#### 4. SCHEDULE OF WORK

CONSULTANT shall complete and deliver services and deliverables to UNITED in a diligent and professional manner, in accordance with the Project schedule set forth in Exhibit "A" attached and incorporated by reference herein. Time is of the essence in CONSULTANT's performance of services hereunder.

CONSULTANT's Project Manager shall keep UNITED's **Senior Engineer, Robert J. Richardson**, or designee informed as to the progress of work by informal reports. Neither party shall hold the other responsible for damages or delay in

performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the reasonable control of the other or the other's employees and agents.

## **5. ASSIGNMENT OF CONTRACT**

This Agreement is a professional services contract. CONSULTANT shall not assign this Agreement or any portion of the work without the prior written approval of UNITED. Any such assignment without UNITED's prior written approval shall be void. UNITED may withhold such approval for any reason in its sole discretion.

## **6. INDEMNIFICATION**

To the fullest extent permitted by law, CONSULTANT agrees to indemnify and hold UNITED entirely harmless from all liability arising out of:

1. Workers' Compensation and Employer's Liability. Any and all claims under Workers' Compensation acts and other employee benefit acts with respect to CONSULTANT's employees or CONSULTANT's subconsultant's employees arising out of CONSULTANT's work under this Agreement; and

2. General Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify, defend and hold UNITED harmless from any liability for damages for (1) death or bodily injury to person; (2) injury to, loss or theft of property; (3) any failure or alleged failure to comply with any provision of law; or (4) any other loss, damage or expense arising under either (1), (2), or (3) above, sustained by the CONSULTANT or UNITED, or any person, firm or corporation employed by the CONSULTANT or UNITED upon or in connection with the Project, except for liability resulting from the sole or active negligence, or willful misconduct of UNITED, its officers, employees, agents, or independent consultants who are directly employed by UNITED. The CONSULTANT, at its own expense, cost, and risk, shall defend any and all claims, actions, suits, or other proceedings (other than professional negligence covered by Section A3 below) that may be brought or instituted against UNITED, its officers, agents, or employees, to the extent such claims, actions, suits, or other proceedings arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONSULTANT, and shall pay or satisfy any judgment that may be rendered against UNITED, its officers, agents, or employees, in any action, suit or other proceedings as a result thereof. Any costs to defend under this Section A2 shall not exceed the CONSULTANT's proportionate percentage of fault; and

3. Professional Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify and hold UNITED harmless from any loss, injury to, death of persons, or damage to property caused by any act, neglect, default, or omission of the CONSULTANT, or any person, firm, or

corporation employed by the CONSULTANT, either directly or by independent contract, including all damages due to loss or theft, sustained by any person, firm, or corporation, including UNITED, arising out of, or in any way connected with, the Project, including injury or damage either on or off UNITED property; but not for any loss, injury, death, or damages caused by sole or active negligence, or willful misconduct of UNITED. With regard to the CONSULTANT's obligation to indemnify for acts of professional negligence, such obligation does not include the obligation to provide defense counsel or to pay for the defense of actions or proceedings brought against UNITED, but rather to reimburse UNITED for attorneys' fees and costs incurred by UNITED in defending such actions or proceedings brought against UNITED, and such fees and costs shall not exceed the CONSULTANT's proportionate percentage of fault.

## **7. INSURANCE**

A. CONSULTANT shall procure and maintain for the duration of this Agreement, and for injuries which occur and claims which are made after the services herein are provided, insurance policies in accordance with the requirements set forth in Exhibit "C" attached and incorporated by reference herein. CONSULTANT shall also provide UNITED with a certificate of insurance attesting to its professional liability (errors and omissions) coverage and all required additional insured endorsements.

B. Submission of insurance certificates or endorsements or other proof of insurance shall not relieve CONSULTANT from liability under the indemnification provisions of Section 6. CONSULTANT's obligations in accordance with Section 6 shall apply whether or not such insurance policies shall have been determined to apply to any of such claims, damage, lawsuits, losses or liabilities covered by Section 6.

C. By its signature hereto, CONSULTANT certifies that it is aware of the provisions of California Labor Code Section 3700 which requires every employer to be insured against liability for workers compensation' or to undertake self-insurance as specified. CONSULTANT shall comply with these provisions before commencing work under this Agreement.

## **8. TERMINATION OF AGREEMENT**

### **A. Termination for Cause**

1. UNITED may terminate CONSULTANT's services for cause, whereupon this Agreement shall terminate immediately. Termination may occur regardless of whether CONSULTANT's services are completed. Any termination or special instructions from UNITED shall be made in writing.

2. Termination for cause may occur upon any of the following events: (a) CONSULTANT's material breach of this Agreement; (b) abandonment or lack of diligence in performance of the work by CONSULTANT; (c) cessation, suspension, revocation or expiration of any license needed by CONSULTANT to provide services hereunder; (d) failure of CONSULTANT to substantially comply with any local, state or federal laws, regulations, ordinances or policies applicable to its work hereunder; (e) filing by or against CONSULTANT of bankruptcy or any petition under any law for relief of debtors; or (f) conviction of CONSULTANT or its principal representative or personnel for any crime other than minor traffic offenses.

3. Subject to the provisions of Section 3.B herein, CONSULTANT shall be paid for all approved services performed and approved expenses incurred to the date of termination for cause supported by documentary evidence, including payroll records and expense reports, up to the date of the termination. In the event of termination for cause, all damages and costs associated with the termination, including increased consultant and replacement consultant costs, shall be deducted from any payments due to CONSULTANT.

4. In the event a termination for cause is determined to have been made wrongfully or without cause, then the termination shall be treated as a termination for convenience in accordance with Section 8.B below, and CONSULTANT shall have no greater rights than it would have had if a termination for convenience had been effected in the first instance. No other loss, cost, damage, expense or liability may be claimed, requested or recovered by CONSULTANT.

B. Termination Without Cause/For Convenience. This Agreement may be terminated without cause by UNITED or for UNITED's convenience upon fourteen (14) days' written notice to the CONSULTANT. In the event of a termination without cause, UNITED shall pay the CONSULTANT for all approved services performed and all approved expenses incurred under this Agreement supported by documentary evidence, including payroll records and expense reports, up until the date of the notice of termination. In addition, CONSULTANT will be reimbursed for reasonable termination costs through the payment of 3% beyond the sum due the CONSULTANT under this section through 50% completion of the CONSULTANT's portion of the Project and, if 50% completion is reached, payment of 3% of the unpaid balance of the contract to CONSULTANT as termination cost. This 3% is agreed to compensate the CONSULTANT for the unpaid profit CONSULTANT would have made under the Project on the date of termination and is consideration for entry into this termination for convenience clause.

C. In the event of termination with or without cause, CONSULTANT shall promptly provide to UNITED all Project Documents as defined in Section 9 below within five (5) calendar days from the effective date of termination. Failure to provide all Project Documents as required shall be deemed a material breach of this Agreement.



D. In the event of a dispute as to the performance of the work or an interpretation of this Agreement, or payment or nonpayment for work performed or not performed, the parties shall attempt to resolve the dispute. Pending resolution of the dispute CONSULTANT agrees to continue the work diligently to completion. If the dispute is not resolved, CONSULTANT agrees it will neither rescind the Agreement nor stop the progress of work, but CONSULTANT's sole remedy will be to submit such controversy to determination by a court having competent jurisdiction of the dispute as required by this Agreement after the Project has been completed and not before.

**9. PROFESSIONAL SERVICES**

A. The CONSULTANT is employed to render a professional service(s) only and any payments made to it are compensation solely for such services as it may render and recommendations it may make in the performance of services.

B. All plans, specifications, construction documents, data, records, files, communications, information, reports and/or other documents that are prepared, generated, reproduced, maintained and/or managed by the CONSULTANT or CONSULTANT's subconsultants arising from or in any way related to the services provided under this Agreement (regardless of medium, format, etc.) shall be and remain the property of UNITED ("Project Documents"). UNITED may provide the CONSULTANT with a written request for the return of the Project Documents at any time. Upon CONSULTANT's receipt of UNITED's written request, CONSULTANT shall return the requested Project Documents to UNITED within five (5) calendar days. CONSULTANT may make copies of the work generated. Failure to comply with any such written request above shall be deemed a material breach of this Agreement. Nothing in this paragraph shall be deemed a waiver of any copyright in the Project Documents prepared by the CONSULTANT. Any unauthorized reuse or modification of such Project Documents other than for purposes intended by CONSULTANT or for the Project shall be at UNITED's risk and liability.

C. CONSULTANT agrees that all dealings of the parties under this Agreement shall be confidential and no Project Documents or information developed, prepared or assembled by CONSULTANT under this Agreement, or any information made available to CONSULTANT by UNITED, shall be revealed, disseminated or made available by CONSULTANT to any person or entity other than UNITED without the prior written consent of UNITED, unless otherwise required by subpoena or applicable law or regulatory authority.

**10. INDEPENDENT CONTRACTOR RELATIONSHIP**

It is expressly understood between the parties that no employee/employer relationship is intended, the relationship of CONSULTANT to UNITED being that of

an independent contractor. UNITED shall not be required to make any payroll deductions or provide Worker's Compensation Insurance coverage or health benefits to CONSULTANT. CONSULTANT is solely responsible for selecting the means, methods and procedures for performing its services hereunder as assigned by the UNITED and for coordinating all portions of the work so the results will be satisfactory to UNITED. CONSULTANT will supply all tools and instruments required to perform its services under this Agreement.

## **11. ASSISTANCE BY UNITED**

It is understood and agreed that the UNITED shall, to the extent reasonable and practicable, assist and cooperate with CONSULTANT in the performance of CONSULTANT's services hereunder. Such assistance does not include, in any manner, the exercise of professional judgment for which CONSULTANT is being retained herein. Such assistance and cooperation to be provided by UNITED as applicable includes, but shall not be limited to, providing right of access to work sites; providing material available from the UNITED's files such as maps, as-built drawings, records and operation and maintenance information; and rendering assistance in determining the location of existing facilities and improvements which may be affected by the Project. CONSULTANT shall otherwise be responsible for giving all notices and complying with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority relating to the work.

## **12. ADDITIONAL PROVISIONS**

### **A. Examination of Records**

CONSULTANT agrees that UNITED shall have access to and the right to examine at any reasonable time and on reasonable notice CONSULTANT's documents, papers and records, including accounting records, relating to its performance under this Agreement.

### **B. Notice**

All notices or other official correspondence relating to contractual matters between the parties shall be made by depositing the same as first-class, postage paid mail addressed as follows:

To CONSULTANT:	Jeff Savard Vice President Kennedy/Jenks Consultants 2775 North Ventura Road, Suite 202 Oxnard, CA 93036
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To UNITED:	Robert J. Richardson
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Senior Engineer  
United Water Conservation District  
1701 North Lombard Street, Suite 200  
Oxnard, CA 93030

or such other address as either party may designate hereinafter in writing delivered to the other party. All notices shall be agreed to have been received three (3) days after mailing.

C. No Waiver

No failure or delay by UNITED in asserting any of UNITED's rights and remedies as to any default of CONSULTANT shall operate as a waiver of the default, of any subsequent or other default by CONSULTANT, or of any of UNITED's rights or remedies. No such delay shall deprive UNITED of its right to institute and maintain any actions or proceedings which may be necessary to protect, assert or enforce any rights or remedies arising out of this Agreement or the performance of this Agreement.

D. Integration

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereto, and supersedes all prior agreements, oral or written, and all prior or contemporaneous discussions or negotiations between the parties.

E. Modification

No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties.

F. Rules of Interpretation

The terms of this Agreement have been negotiated by the parties and the language used in this Agreement shall be deemed to be the language chosen by the parties to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the party causing such instrument to be drafted, or in favor of the party receiving a particular benefit under this Agreement. No rule of strict construction shall be applied against any party to this Agreement.

G. Partial Invalidity

If any term, covenant, condition, or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of

the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

H. Incorporation of Recitals and Exhibits

The foregoing recitals and exhibits are incorporated herein as though fully set forth.

I. California Law; Dispute Resolution; Venue

This Agreement shall be interpreted and construed pursuant to the laws of the State of California, regardless of whether this Agreement is executed by any party in another state or otherwise. If a dispute arises between the parties related to this Agreement or the breach thereof, the parties shall first attempt in good faith to settle the matter through discussion, and if unsuccessful may in their discretion mutually agree to mediate the dispute prior to filing a judicial action. The costs of a third party mediator, if utilized, shall be borne equally by the parties. If either party elects to file an action in court, such action shall be filed and heard in a court of competent jurisdiction in the County of Ventura.

J. Counterparts

This Agreement may be executed in multiple counterparts, a complete set of which shall be deemed to be an original and all of which together shall comprise but a single document. Signatures may be given via facsimile transmission and shall be deemed given as of the date of facsimile transmittal of the executed Agreement by one party to the other.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

UNITED WATER CONSERVATION DISTRICT

By \_\_\_\_\_  
Mauricio E. Guardado, Jr., General Manager

KENNEDY/JENKS CONSULTANTS, INC.

By \_\_\_\_\_  
Jeff Savard, Vice President

**EXHIBIT “A” TO AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall provide professional engineering consultation services under this Agreement in accordance with work described in the attached **Scope of Work** and **Schedule of Charges**.

# **EXHIBIT “A” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

Kennedy Jenks shall provide professional engineering consultation services consisting of engineering services during construction of the **Iron and Manganese Treatment Plant at the El Rio Water Treatment and Groundwater Recharge Facility** (“Project”) in accordance with the following scope of services.

## **SCOPE OF SERVICES**

### **TASK 1: PROJECT ADMINISTRATION**

#### **1.1 Project Management**

The purpose of this task is to oversee the project scope, budget and schedule throughout the construction services phase. Management activities will include project planning, organizing staff and resources, budget tracking, and on-going communications with the District and the project team regarding project status and priorities via email, telephone and face to face meetings. The estimated effort/budget assumes a 14 month project duration.

➤ Deliverables – Invoices and monthly progress reports.

#### **1.2 Quality Assurance/Quality Control**

The project manager will oversee the Kennedy Jenks’ internal quality assurance/quality control procedures throughout the course of this project. Deliverables will be reviewed by senior staff members to ensure it meets Kennedy Jenks standards for quality.

#### **1.3 Meetings**

Construction phase services include participating in the following meetings by telephone.

- Pre-construction meeting for up to three Kennedy Jenks staff (project manager, project engineer, project coordinator). Budget assumes participation by phone.
- Construction progress meetings as requested by the District for up to two Kennedy Jenks staff. Budget includes up to 20 meetings and assumes participation by phone.

### **TASK 2: DESIGN AND CONSTRUCTION COORDINATION**

#### **2.1 Conformed Plans and Specifications**

Kennedy Jenks will prepare a set of conformed plans and specifications for use by the construction contractor and the District. The conformed plans and specifications will incorporate the addenda into the design documents.

- Deliverables – One set of full-size reproducible bond drawings and one complete set of electronic drawings (pdf format) and one complete set of specifications (pdf format).

## **2.2 Coordination**

Kennedy Jenks will respond to informal requests and/or questions from the District regarding the design documents throughout the construction duration. Kennedy Jenks will also review information provided by the District's Construction Manager including meeting minutes, daily inspection reports, construction photos and special inspection reports. This scope task assumes that this coordination will require an average of 5 hours per week for 14 months.

## **2.3 Requests for Information (RFI)**

Kennedy Jenks will respond to Contractor's RFI's forwarded by the District. The effort assumes that RFIs will be reviewed and electronically processed. This budget is based on a total of 100 RFI's (which includes follow-up responses estimated at 25% of total initial requests: 75 initial RFI's with 25 follow-up requests) during the construction project.

- Deliverables – RFI responses in electronic format.

## **TASK 3: SUBMITTALS AND SHOP DRAWINGS**

Kennedy Jenks will review, comment and respond to Contractor shop drawings and submittals. For this budget, 200 shop drawings and submittals (which includes resubmittals) are assumed. It is also assumed the shop drawing re-submittal rate will be 33% of the total number of shop drawings (150 submittals or shop drawings and 50 re-submittals). It is assumed that the District's Construction Manager will generate and maintain logs of submittals and shop drawings.

If Kennedy Jenks observes any serious issues/deficiencies early in review of the submittal, Kennedy Jenks will notify the District before expending additional resources further reviewing the submittal. It is also assumed that the District's Construction Manager will conduct an initial review for completeness before forwarding the submittal to Kennedy Jenks.

Kennedy Jenks will assign one of the following review actions to the submittal:

- NET (No Exceptions Taken)
- MCN (Make Corrections Noted)
- A&R (Amend and Resubmit)
- RR (Rejected, Resubmit)
- NR (Not Reviewed)

- NCR (Noted, Copy Retained)

Kennedy Jenks will prepare a Shop Drawing Review Letter (SDRL) for the submittal and email SDRL in pdf format to the District.

➤ Deliverables – SDRL responses in electronic format.

#### **TASK 4: CHANGE ORDER REVIEW ASSISTANCE**

Kennedy Jenks will review and respond to up to five (5) proposed change orders, forwarded by the District. Written responses will be prepared and returned to the District.

The effort associated with this task assumes that change orders will be handled as follows:

- District emails proposed change order to Kennedy Jenks in pdf format.
- Kennedy Jenks develops response to proposed change order in pdf format with supplemental sheets appended to the response if necessary. It is assumed that the District's Construction Manager will prepare an independent cost estimate and negotiate change orders with the Contractor.

➤ Deliverables – Change order review responses in electronic format (pdf).

#### **TASK 5: STRUCTURAL OBSERVATION**

Kennedy Jenks' design engineers will provide 3 structural observation visits in accordance with Chapter 17 of the California Building Code. We will provide these visits in coordination with the stage of work appropriate for review. We will provide one structural observation memorandum documenting each visit. Our proposal assumes a total of forty (40) hours for this task.

➤ Deliverables – Structural observation memorandum in electronic format (pdf).

#### **TASK 6: STARTUP ASSISTANCE**

Kennedy Jenks will provide up to 20 hours of overall facility startup assistance. The goal is to assist the Contractor and District in starting-up/testing the facilities. Startup assistance will be performed remotely via telephone in coordination with District staff. It is assumed that site visits during startup are not required.

#### **TASK 7: RECORD DRAWINGS**

Kennedy Jenks will update the design drawings (92) to produce record drawings using red line drawings maintained by the Contractor during construction.



- Deliverables – One set of full-size reproducible bond drawings and one complete set of electronic drawings (pdf format and AutoCAD compatible).

## **TASK 8: OPERATIONS MANUAL REVIEW**

Kennedy Jenks will review and provide input to the operations manual being prepared by the District's Construction Manager for the WTP. The scope assumes that no more than 50 hours will be required for this task.

### **SCOPE ASSUMPTIONS**

The scope of work is based on the following assumptions:

- The District will provide daily inspection and resident engineering. The District will provide Kennedy Jenks copies of daily inspection reports, meeting minutes and construction progress photos.
- Special inspection and testing services such as soils and materials testing and weld testing and inspection will be provided by an appropriate service under contract directly to the District. It is assumed that special inspection and testing reports will be provided to Kennedy Jenks.
- Kennedy Jenks submittal review shall be for conformance with the design concepts and general compliance with the construction contract documents. Kennedy Jenks shall not include review of fabrication processes, construction methods, coordination with the work of other trades, or construction safety precautions, all of which are the sole responsibility of the construction contractor. Kennedy Jenks' review will be conducted with the reasonable promptness consistent with sound professional practice. Review of a specific item shall not indicate acceptance of an assembly of which the item is a component. Kennedy Jenks will not be required to review and will not be responsible for any deviations from the construction contract documents not clearly noted by the construction contractor, nor will Kennedy Jenks be required to review partial submissions or those for which submissions for correlated items have not been received. Acceptance, which means taking no exception, of construction contractor's designs of sheeting and shoring by Kennedy Jenks on behalf of District, will not include review or approval of designs.
- The District will prepare the application for an amended DDW water supply operating permit.
- The District will review and monitor the Contractor's red line record drawings to verify they are up to date and accurately reflect revisions to the Work.
- The Contractor will be responsible for preparing a testing plan and a commissioning plan and conducting the testing and commissioning, in accordance with the provisions specified in the Contract Documents.

- The Contractor will provide all equipment O&M manuals and commissioning worksheets as specified in the Contract Documents.

CLIENT Name: United Water Conservation District  
 PROJECT Description: Construction Support Services - El Rio Fe/Mn WTP  
 Proposal/Job Number: \_\_\_\_\_ Date: 6/23/2021

January 1, 2020 Rates	Eng-Sci-9	Eng-Sci-8	Eng-Sci-7	Eng-Sci-6	Eng-Sci-5	Eng-Sci-4	Eng-Sci-3	Eng-Sci-2	Eng-Sci-1	Sr. CAD-Design	CAD-Design	Sr. CAD-Tech	CAD-Tech	Project Administrator	Admin. Assist.	Aide	Total	KJ Labor	KJ ODCs	KJ ODCs Markup	Total Labor	Total Subs	Total Expenses	Total Labor + Subs + Expenses	
Classification:																	Hours	Fees	Fees	10%				Fees	
Hourly Rate:	\$305	\$290	\$270	\$245	\$220	\$200	\$185	\$165	\$130	\$175	\$155	\$140	\$120	\$130	\$110	\$85									
<b>Task 1 Project Administration</b>																									
1.1 Project Management (14 months)																	0	\$0		\$0	\$0	\$0	\$0	\$0	\$0
PM Communications	28														7		35	\$9,310		\$0	\$9,310	\$0	\$0	\$9,310	
Project Status Updates	14																14	\$4,270		\$0	\$4,270	\$0	\$0	\$4,270	
Project Set-up and invoicing	18													18			36	\$7,830		\$0	\$7,830	\$0	\$0	\$7,830	
Health & Safety	1			2											1		4	\$905		\$0	\$905	\$0	\$0	\$905	
1.2 QA/QC		32															32	\$9,280		\$0	\$9,280	\$0	\$0	\$9,280	
1.3 Meetings																	0	\$0		\$0	\$0	\$0	\$0		
Pre-construction conference	4	4		4													12	\$3,360		\$0	\$3,360	\$0	\$0	\$3,360	
Construction meetings (20)	40	40															80	\$23,800		\$0	\$23,800	\$0	\$0	\$23,800	
<b>Task 1 - Subtotal</b>	<b>105</b>	<b>76</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>8</b>	<b>0</b>	<b>213</b>	<b>\$58,755</b>	<b>\$0</b>	<b>\$0</b>	<b>\$58,755</b>	<b>\$0</b>	<b>\$0</b>	<b>\$58,755</b>	
<b>Task 2 Design &amp; Construction Coordination</b>																									
2.1 Conformed Plans & Specifications		16				24						40		8			88	\$16,080	\$500	\$50	\$16,080	\$0	\$550	\$16,630	
2.2 Coordination (14m)	30	80	80	30		80											300	\$77,300		\$0	\$77,300	\$0	\$0	\$77,300	
2.3 Requests for Information (75 + 25)		100		100		120					30						350	\$82,150		\$0	\$82,150	\$0	\$0	\$82,150	
<b>Task 2 - Subtotal</b>	<b>30</b>	<b>196</b>	<b>80</b>	<b>130</b>	<b>0</b>	<b>224</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>40</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>738</b>	<b>\$175,530</b>	<b>\$500</b>	<b>\$50</b>	<b>\$175,530</b>	<b>\$0</b>	<b>\$550</b>	<b>\$176,080</b>	
<b>Task 3 Submittals &amp; Shop Drawings</b>																									
Submittals & Shop Drawings (150 + 50)		200	100	100	50	250											700	\$170,500		\$0	\$170,500	\$0	\$0	\$170,500	
<b>Task 3 - Subtotal</b>	<b>0</b>	<b>200</b>	<b>100</b>	<b>100</b>	<b>50</b>	<b>250</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>700</b>	<b>\$170,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$170,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$170,500</b>	
<b>Task 4 Change Order Reviews</b>																									
Change Order Reviews (5)		20	10	10		10					10						60	\$14,500		\$0	\$14,500	\$0	\$0	\$14,500	
<b>Task 4 - Subtotal</b>	<b>0</b>	<b>20</b>	<b>10</b>	<b>10</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>\$14,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,500</b>	
<b>Task 5 Structural Observation</b>																									
Structural Observation		40															40	\$11,600	\$1,000	\$100	\$11,600	\$0	\$1,100	\$12,700	
<b>Task 5 - Subtotal</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40</b>	<b>\$11,600</b>	<b>\$1,000</b>	<b>\$100</b>	<b>\$11,600</b>	<b>\$0</b>	<b>\$1,100</b>	<b>\$12,700</b>	
<b>Task 6 Startup Assistance</b>																									
Startup Assistance		20															20	\$5,800	\$3,000	\$300	\$5,800	\$0	\$3,300	\$9,100	
<b>Task 6 - Subtotal</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>\$5,800</b>	<b>\$3,000</b>	<b>\$300</b>	<b>\$5,800</b>	<b>\$0</b>	<b>\$3,300</b>	<b>\$9,100</b>	
<b>Task 7 Record Drawings</b>																									
Record Drawings (92)		10		16		16					140				2		184	\$31,940	\$500	\$50	\$31,940	\$0	\$550	\$32,490	
<b>Task 7 - Subtotal</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>140</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>184</b>	<b>\$31,940</b>	<b>\$500</b>	<b>\$50</b>	<b>\$31,940</b>	<b>\$0</b>	<b>\$550</b>	<b>\$32,490</b>	
<b>Task 8 Operations Manual Review</b>																									
Operations Manual Review		50															50	\$14,500		\$0	\$14,500	\$0	\$0	\$14,500	
<b>Task 8 - Subtotal</b>	<b>0</b>	<b>50</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>\$14,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,500</b>	
<b>All Phases Total</b>	<b>135</b>	<b>612</b>	<b>190</b>	<b>262</b>	<b>50</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>180</b>	<b>40</b>	<b>0</b>	<b>26</b>	<b>10</b>	<b>0</b>	<b>2005</b>	<b>\$483,125</b>	<b>\$5,000</b>	<b>\$500</b>	<b>\$483,125</b>	<b>\$0</b>	<b>\$5,500</b>	<b>\$488,625</b>	

**EXHIBIT “B” TO AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall adhere to the following **Guidelines for Expense Reimbursement**:

Incidental expenditures incurred by CONSULTANT in the course of performing work under this Agreement and submitted for reimbursement by UNITED shall comply with the following guidelines.

Receipts are required for all reimbursable expenses (with an exception for meals and lodging) and shall be furnished with the invoice. Reimbursable expenditures shall not be subject to mark-up. Only actual costs of expenditures within the limits presented below are eligible for reimbursement.

**1. Reimbursable Expenditures**

A. Travel Expenses

Expenses for airfare or other travel accommodations shall not exceed costs that would reasonably be expected for comparable economy or coach class accommodations.

Personal vehicles may be used when appropriate and mileage will be reimbursed at the standard Internal Revenue Service (IRS) business mileage rate (i.e., 56 cents per mile for calendar year 2021, but for a total cost no greater than the cost that would reasonably be expected for round trip economy or coach class airfare. With the exception of extenuating circumstances (e.g. transport of specialized equipment), mileage for any trip over 500 miles shall be reimbursed at a total cost no greater than would reasonably be expected for round trip economy or coach class airfare. Extenuating circumstances shall be pre-approved by UNITED.

Rental vehicle costs are reimbursable when justified by the nature of the trip. With the exception of extenuating circumstances (e.g. transport of more than 4 people or excessive cargo) the total expense for the rental vehicle shall not exceed a cost that would reasonably be expected for a standard class vehicle. Insurance for rental vehicles is not reimbursable and must be in accordance with all insurance requirements set forth in this Agreement.

B. Lodging

The cost of lodging incurred on approved CONSULTANT business trips is reimbursable. UNITED will reimburse lodging at the standard U.S. General Services Administration (GSA) rate for Ventura County (i.e., \$182.00 per night [excluding

taxes] for the months of October 2020 and January – September 2021). GSA rates are annually updated in October.

C. Meals

The cost of meals incurred on approved CONSULTANT Projects is reimbursable.

If UNITED is reimbursing the CONSULTANT for lodging, UNITED will reimburse for meals at the appropriate standard GSA rate for Ventura County (i.e., \$49.50 (or 75% of a daily rate) per day for first and last calendar day of PROJECT work, and \$66.00 per day for additional PROJECT work days for calendar year 2021.

If UNITED is not reimbursing the CONSULTANT for lodging, UNITED will not reimburse the CONSULTANT for meals.

D. Equipment

All reimbursable equipment must be purchased or rented at a reasonable cost, in accordance with industry standards.

E. Expendable Items

Items that are expendable (depleted) will not be returned to UNITED, as the items will be “used up” in the course of CONSULTANT’s work.

F. Non-Expendable Items

Items that are non-expendable (not depleted) will be returned to UNITED upon completion of CONSULTANT’s work.

**EXHIBIT “C” TO AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall procure and maintain for the duration of the Agreement, and for injuries that occur and claims which are made after the services herein are performed, insurance against claims or injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives, or employees.

*Minimum Scope of Insurance*

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01 or its equivalent).
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, Code 1 or its equivalent (any auto).
3. Workers’ Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors & Omissions Liability insurance appropriate to the CONSULTANT’s profession. Architects’ and engineers’ coverage is to be endorsed to include contractual liability.
5. Valuable Document Insurance on all plans, specifications and other documents as may be required to protect UNITED in the amount of its full equity in such plans, specifications and other documents.

*Minimum Limits of Insurance*

CONSULTANT shall maintain limits no less than:

- |  |   |
|--|---|
| 1. General Liability:<br>Including operations, products and completed operations, as applicable. | <b>\$1,000,000</b> per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability:   | <b>\$1,000,000</b> per accident for bodily injury and property damage.  |

- 3. Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
- 4. Errors & Omissions Liability: **\$1,000,000** per claim.
- 5. Valuable Document Insurance **Full Equity of all Documents**

*Deductibles and Self-Insured Retentions*

Any deductibles or self-insured retentions must be declared to and approved by UNITED. At the option of UNITED, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects UNITED, its directors, officers, officials, employees and agents; or CONSULTANT shall provide a financial guarantee satisfactory to UNITED guaranteeing payment of losses and related investigations, claim administration and defense expenses.

*Other Insurance Provisions*

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

- 6. For all policies required by this Agreement, UNITED and its directors, officers, officials, employees and volunteers are to be covered as additional named insureds as respects: liability arising out of work or operations performed by or on behalf of the CONSULTANT; or automobiles owned, leased, hired or borrowed by the CONSULTANT.
- 7. For any claims related to this Project, the CONSULTANT's insurance coverage shall be primary insurance as respects UNITED and its directors, officers, officials, employees and agents. Any insurance or self-insurance maintained by UNITED, its directors, officers, officials, employees or agents shall be excess of the CONSULTANT's insurance and shall not contribute with it.
- 8. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice has been provided to UNITED (with the exception of ten (10) days for nonpayment of premium).

If General Liability, Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions coverages are written on a claims-made form:

- 9. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work.
- 10. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

11. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the CONSULTANT must purchase an extended period coverage for a minimum of five (5) years after completion of contract work.
12. A copy of the claims reporting requirements must be submitted to UNITED for review.
13. If the services involve lead-based paint or asbestos identification/ remediation, the Contractors Pollution Liability shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/ remediation, the Contractors Pollution Liability shall not contain a mold exclusion and the definition of "Pollution" shall include microbial matter including mold.

#### *Acceptability of Insurers*

Insurance is to be placed with insurers qualified to do business in the State of California with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to UNITED. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

#### *Verification of Coverage*

CONSULTANT shall furnish UNITED with original certificates and amendatory/ additional insured endorsements effecting coverage required by this clause. The endorsements should be on forms provided by UNITED or on other than UNITED's forms provided those endorsements conform to UNITED requirements. All certificates and endorsements are to be received and approved by UNITED before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. UNITED reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

#### *Waiver of Subrogation*

CONSULTANT hereby agrees to waive subrogation, which any insurer of contractor may acquire from vendor by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the CONSULTANT, its employees, agents and subcontractors.



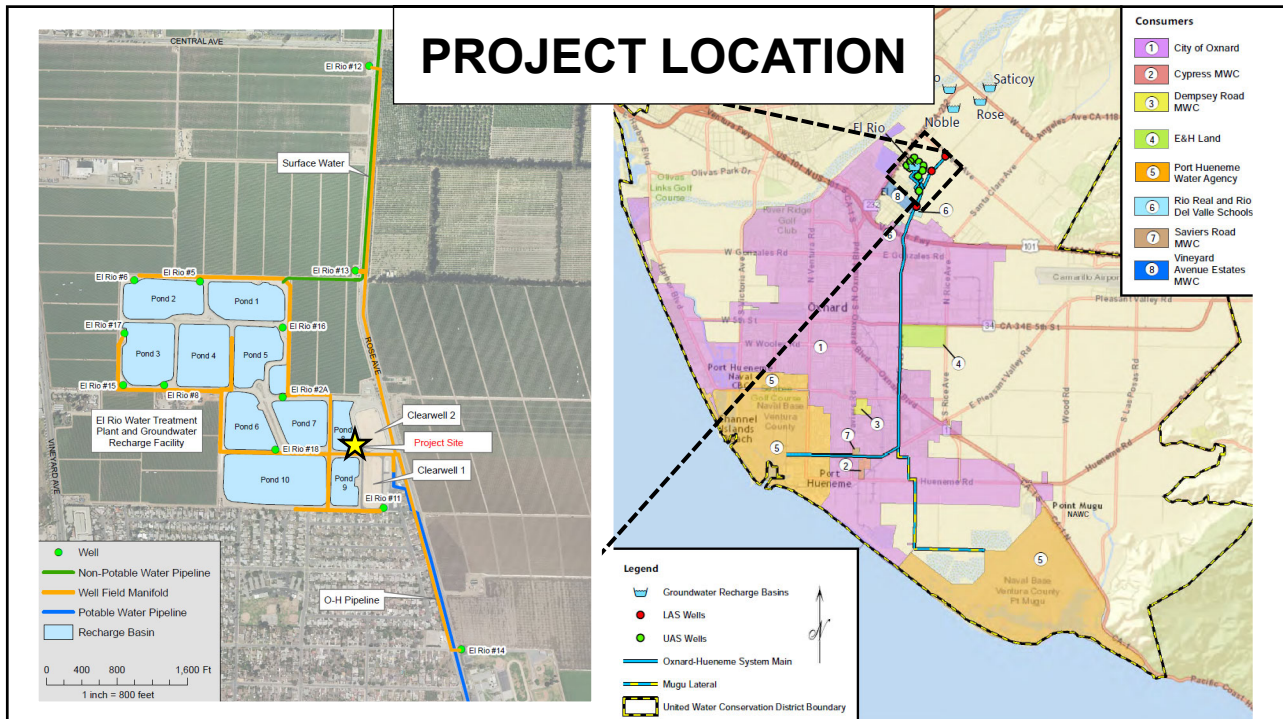


# ENGINEERING DEPARTMENT Motion Items

July 1, 2021



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## Motion Item

### 3.1

**Iron and Manganese Treatment Project Construction Management and Inspection Services Contract Award to HDR Engineering, Inc.**

- RFQ/RFP released on March 5, 2021
- 13 Consultants were invited
- 4 Consultants submitted proposals by April 23, 2021
- 3 Consultants were interviewed
- HDR Engineering, Inc. was selected by the interview panel
- Contract Amount: \$638,140 + \$63,814 (10% contingency) = \$701,956





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## Motion Item 3.2

### Iron and Manganese Treatment Project Design Services during Construction Contract Award to Kennedy Jenks Consultants, Inc.

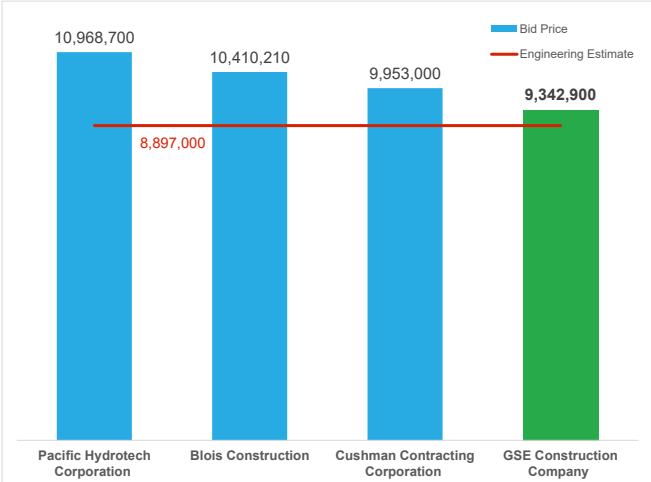

- Prepare Conformed Plans and Specifications
- Respond to Contractor's Requests for Information (RFI)
- Respond to Contractor's Submittals and Shop Drawings
- Respond to Change Order Requests (CORs)
- Provide O&M Manual, Operations Plan and startup assistance
- Prepare Record Drawings
- Contract Amount: \$488,625 + \$48,863 (10% contingency) = \$537,488





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## Motion Item 3.3

### Iron and Manganese Treatment Project Construction Contract Award to GSE Construction Company



Company	Bid Price	Engineering Estimate
Pacific Hydrotech Corporation	10,968,700	8,897,000
Blois Construction	10,410,210	8,897,000
Cushman Contracting Corporation	9,953,000	8,897,000
GSE Construction Company	9,342,900	8,897,000



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# Motion Item 3.4

**Approving the CEQA Notice of Exemption Determination for the Lake Piru Water Treatment Plant Slope Repair and Drainage Improvements Project**



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## ENGINEERING DEPARTMENT Monthly Update

July 1, 2021



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## Santa Felicia Dam Safety



### 2020 Annual Security Compliance Certification Letter Approved

Submitted to FERC in December 2020.

FERC approval letter received on June 4 with no comments.

### Physical Dam Inspection is Back!

DSOD Dam Inspection on Thursday, June 24

### EAP Call-Down Drill

Annual EAP Drill on June 29



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## Santa Felicia Dam Safety Improvement Project



- Response Letter to FERC regarding the request for project schedule extension on June 16, 2021
- Requested FERC for consultant approval for the BOC on June 24, 2021
- New contract with Catalyst/Cardno for 30% design development for the new release channel
- Channel Design Workshop with FERC, NMFS, and CDFW on June 10, 2021
- Fish Screen Workshop (technical assistance meeting) with FERC, NMFS, and CDFW on June 22, 2021



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# Grand Canal Project



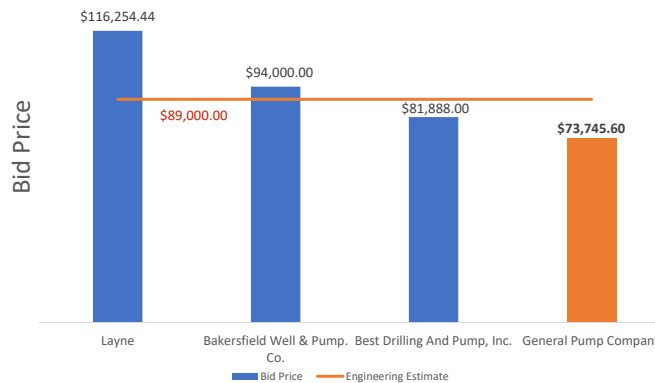
## Construction Substantially Complete

- ❑ New Headworks hydraulic capacity increased to 500 cfs
- ❑ New Headworks includes
  - 3 new Culverts (18 - 5 ft x 4 ft RCB)
  - 3 new stainless-steel gates (5 ft x 4ft) with 3 new EMOs
  - Concrete headwalls and catwalks
  - Grouted riprap
  - Electrical conduits



# El Rio Water Well No. 19 Pump and Motor Installation

- Four (4) bids received
- General Pump Company lowest responsible bidder at \$73,745.60
- Agreement with GPC executed on June 14, 2021



## OH System Backup Generator Project

- ❑ CalOES approved District's request for project time extension.
- ❑ The new project completion date is March 26, 2022.
- ❑ Contractor mobilized to the site on June 14.



Demolition of Existing Generator Pad



Over-Excavation and Compaction for the new Pad



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## Coastal Brackish Groundwater Extraction and Treatment Project



- Leadership meeting with the Navy on May 26
- Participated in the meeting between with Congresswoman Brownley's office and the Navy on June 22



- RFP for CEQA documentation and processing was released on April 21
- Two proposals received on May 21. Interviews scheduled for June 28 and 30

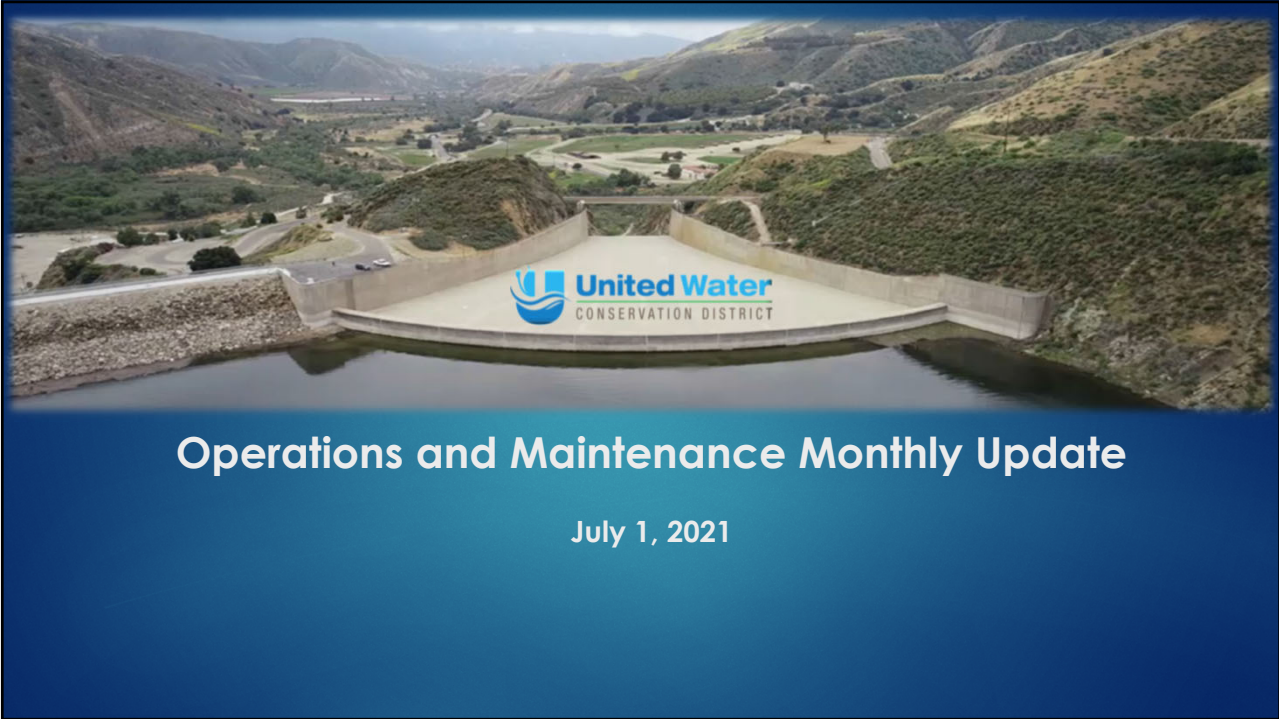


- DWR received a request for time extension for the completion of the groundwater modeling feasibility study report

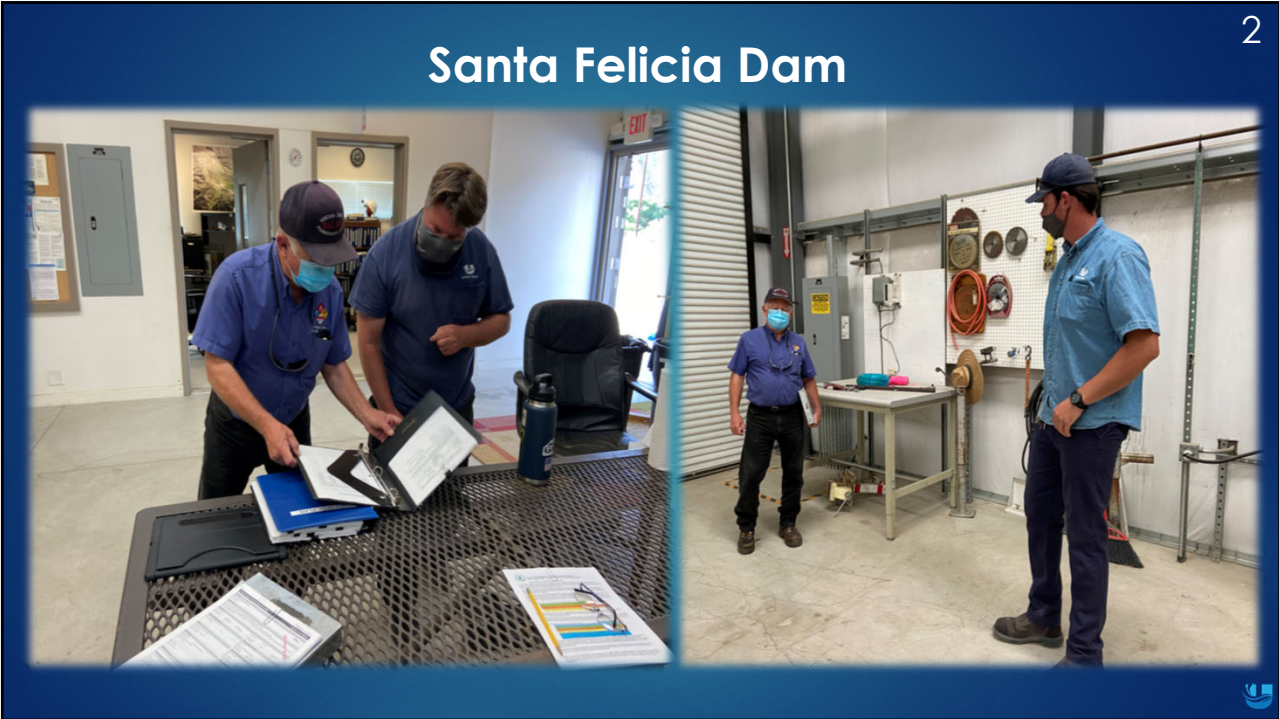


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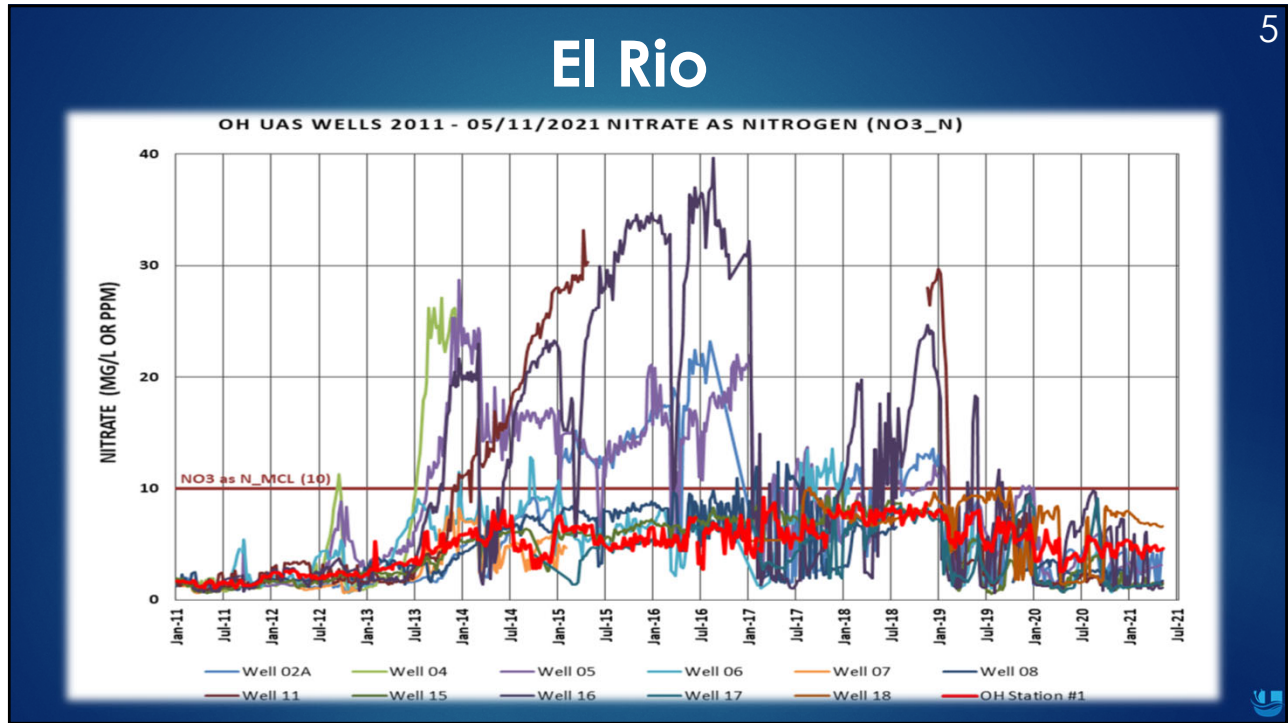
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Questions?

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# Environmental Services Department


July 1, 2021

**Department Updates**

- Freeman Sediment Management Program*
- Freeman Geotechnical Exploration Permitting*

**Key Highlight**

- Quagga Mussel Monitoring and Control Plan - 2020 Annual Report Summary*



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## Quagga Mussel Monitoring and Control Plan 2020 Annual Report Summary



United Water Conservation District

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## 2020 Annual Report Takeaways

COVID-19 Impacts on Monitoring Program

Water Quality

- Lake Piru had year-round favorable conditions to support quagga veligers and adult development
- DO levels fell below viable threshold for veligers at depths below the thermocline in July and August

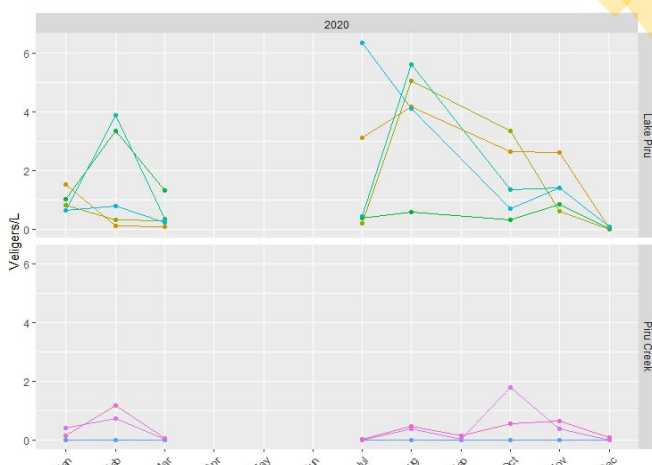


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## Veliger Sampling

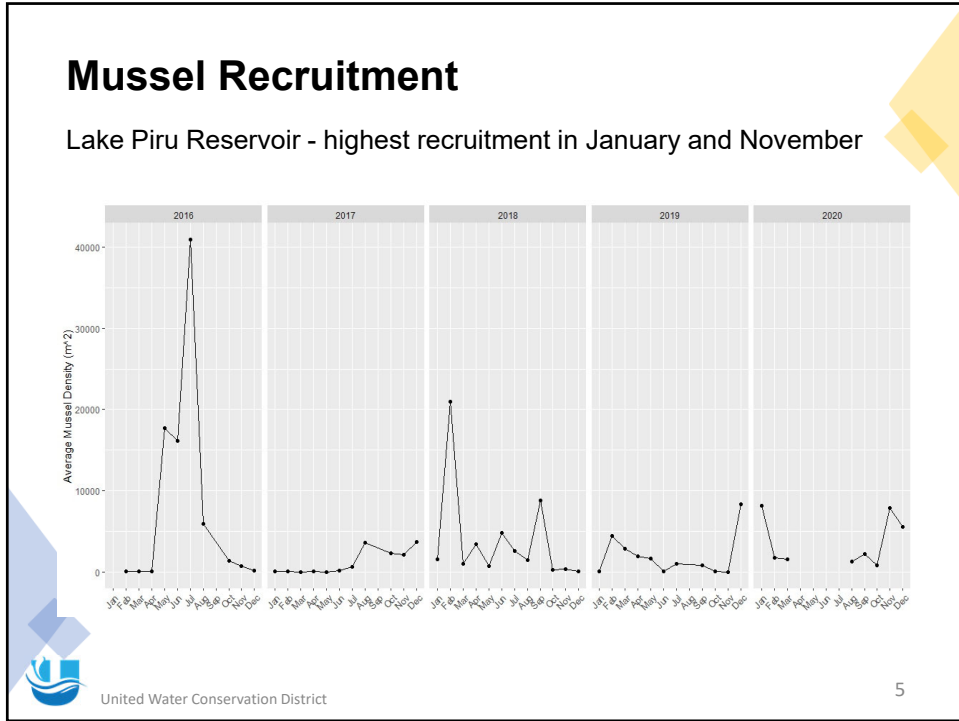
- Lake Piru – Veligers most abundant in July and August when the lake was stratified
- Lower Piru Creek – Consistent with previous years, concentrations were significantly lower than Lake Piru



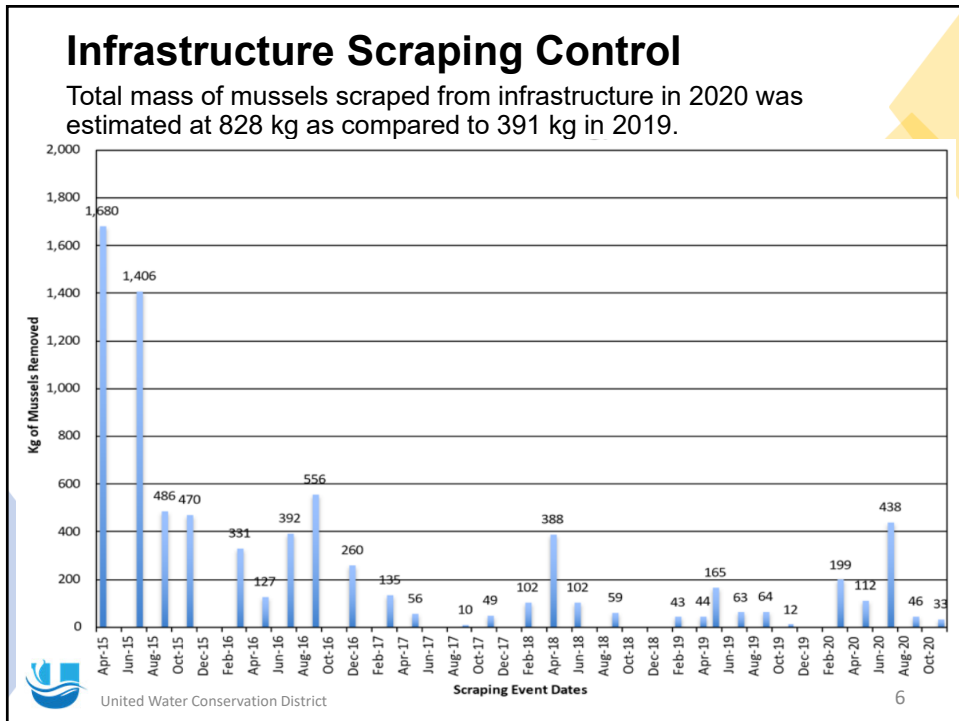
Location	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Lake Piru (Green)	1.0	3.5	1.5	0.5	0.5	0.5	6.0	5.5	3.5	1.5	1.5	0.5
Lake Piru (Blue)	1.5	4.0	1.5	0.5	0.5	0.5	6.5	5.0	3.5	1.5	1.5	0.5
Lake Piru (Yellow)	1.0	3.0	1.0	0.5	0.5	0.5	3.0	4.5	3.0	1.5	1.5	0.5
Piru Creek (Purple)	0.5	1.0	0.5	0.5	0.5	0.5	0.5	0.5	0.5	1.5	0.5	0.5

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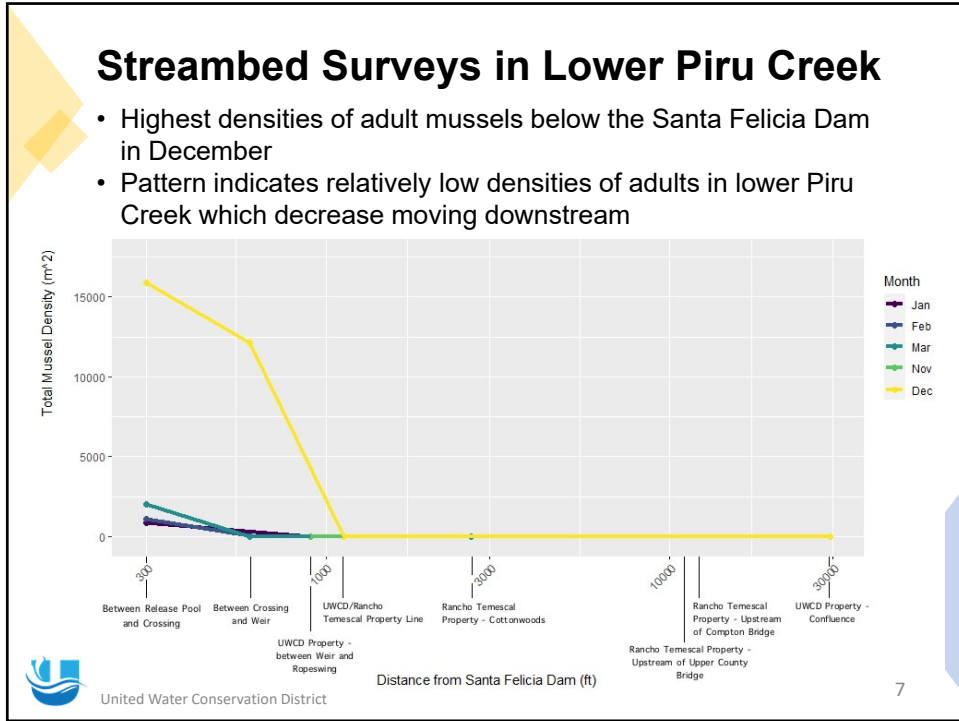


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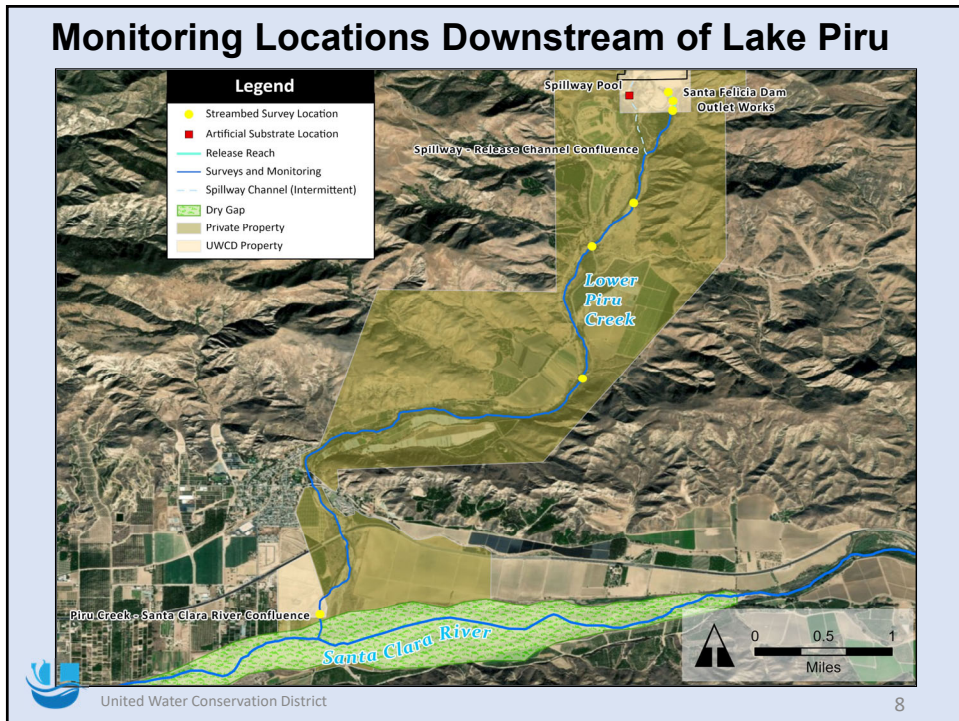


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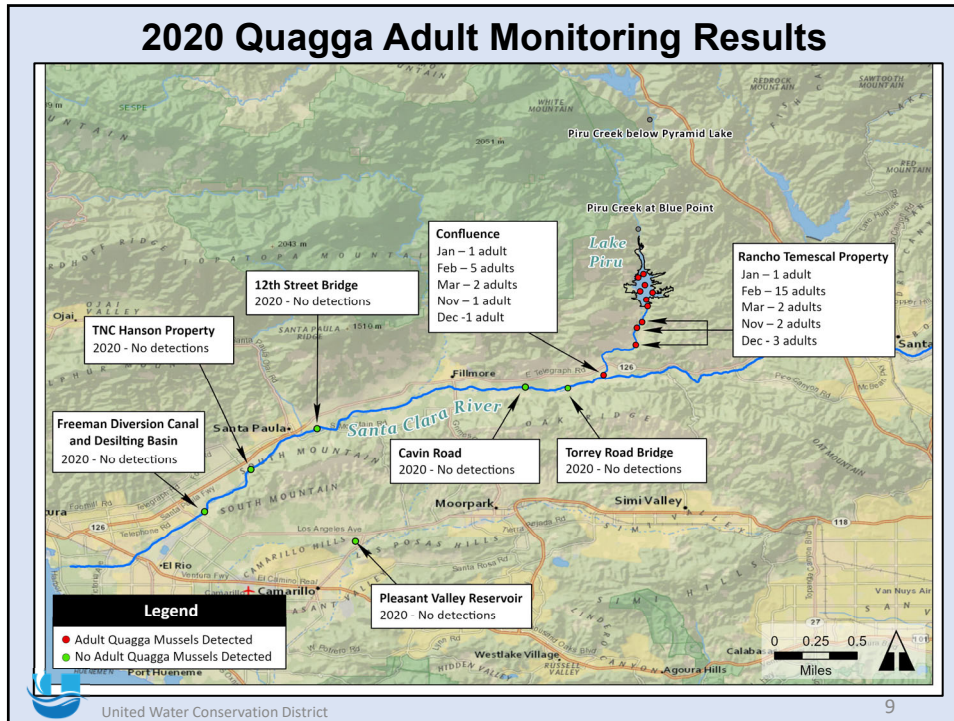




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### Control Techniques for Consideration

- Chemical Control – Potential Molluscicide Pilot Study
- Physical Control – Lake Level Management Strategy

United Water Conservation District

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## October 2020 Veliger Detection at Moss Screen Facility

### UWCD Response:

- Installed a chlorine injection system at the moss screen facility to protect lower system infrastructure
- Additional monitoring and surveys initiated at seven locations in the lower system
- Lower system monitoring conducted six months following detection



United Water Conservation District

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*Thank you!*

Questions 



United Water Conservation District

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### **Staff Report**

**To:** Engineering and Operations Committee

**Through:** Mauricio E. Guardado, Jr., General Manager  
Anthony A. Emmert, Assistant General Manager  
Linda Purpus, Environmental Services Manager

**From:** Randall McInvale, Associate Environmental Scientist

**Date:** August 26, 2021 (September 2, 2021 Committee Meeting)

**Agenda Item:** 3.1 **Resolution 2021-17 Approving the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) and issuance of the Notice of Determination (NOD) for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project Motion**

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#### **Staff Recommendation:**

The committee will consider recommending approval of Resolution 2021-17, a resolution of the United Water Conservation District approving and adopting the Initial Study-Mitigated Negative Declaration (IS-MND) and accompanying Mitigation Monitoring and Reporting Program (MMRP), approving the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (Project) and authorizing its implementation by the General Manager; and directing the General Manager to file a Notice of Determination in accordance with CEQA, to the full Board.

#### **Discussion:**

The District is the lead agency for the Project under CEQA. The proposed Project consists of the following exploration activities: collecting soil and rock core samples from approximately 13 borings along and adjacent to the existing Freeman Diversion facility, excavating six test pits at key locations; and conducting seismic refraction traverses. Additionally, one boring will define the depth of a landslide mass and install an inclinometer for monitoring potential movement of the landslide mass; and after the boreholes are drilled, two of the boreholes in upland areas would be converted to open standpipe piezometers for collecting groundwater level data and monitoring. The proposed geotechnical explorations would inform the design and construction of either fish passage facility alternative.

#### **Mission Goal:**

Meets Mission-Related Goal C, Regulatory & Environmental Compliance – Ensure long-term sustainability of all water sources within the District while complying with all regulations and District’s existing and planned water supply, conveyance, and recharge systems meet regional needs, including emergency response and Goal B2., Develop and implement new infrastructure projects that maintain and improve water supply.

**3.1 Resolution 2021-17 Approving the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) and issuance of the Notice of Determination (NOD) for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project  
Motion**

**Fiscal Impact:**

The California Department of Fish and Wildlife environmental filing fee is \$2,480.25 and the County Clerk and Recorder's Office filing fee for the CEQA NOE is \$50.00 which is included in the Adopted Fiscal Year 2021-22 Budget under project account 421-400-81080; 8001-825.

**Attachments:**

Attachment A – Resolution 2021-17

Attachment B – Initial Study-Mitigated Negative Declaration

Attachment C – Mitigation Monitoring and Reporting Program

Attachment D – Notice of Determination

## RESOLUTION 2021-17

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNITED WATER CONSERVATION DISTRICT MAKING CERTAIN FINDINGS AND DETERMINATIONS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM AND THE IMPLEMENTATION OF THE FREEMAN DIVERSION FISH PASSAGE FACILITY GEOTECHNICAL EXPLORATION PROJECT**

**WHEREAS**, the United Water Conservation District (“District”) intends to conduct the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (“Project”) located in an unincorporated area of the County of Ventura near the community of Saticoy for the purpose of facilitating the engineering design for the alternative fish passage facility currently under development; and

**WHEREAS**, the California Environmental Quality Act of 1970, as amended (“CEQA”) requires that, in the approval of a project for which a mitigated negative declaration (“MND”) has been prepared, the decision-making body shall review the MND and make certain findings regarding the significant effects on the environment identified in the mitigated negative declaration; and

**WHEREAS**, such decision-making body in this case is the District’s Board of Directors (“Board”); and

**WHEREAS**, the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project is the subject of a MND entitled “Initial Study Mitigated Negative Declaration Freeman Diversion Fish Passage Facility Geotechnical Exploration Project” (SCH # 2021050414), prepared by the District as lead agency under CEQA, in connection with implementation of the Freeman Diversion Rehabilitation Project; and

**WHEREAS**, the District published a Notice of Intent to adopt an Initial Study/MND in the *Ventura County Star* newspaper on May 20, 2021, and the draft MND was circulated to responsible agencies and other parties, including the County of Ventura and the State Clearinghouse and Planning Unit of the Governor’s Office of Planning and Research; and

**WHEREAS**, the County of Ventura, the California Department of Transportation, and the California Department of Fish and Wildlife provided comments on the draft MND; and

**WHEREAS**, the MND concluded that implementation of the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project could result in

**Resolution 2021-17**

**Cont.**

potentially significant effects on the environment, and further identified mitigation measures that would reduce any potentially significant effects to a less than significant level; and

**WHEREAS**, such mitigation measures are set forth in a Mitigation Monitoring and Reporting Program (“MMRP”) prepared by the District, as lead agency, together with and as part of the MND; and

**WHEREAS**, with the incorporation and implementation of measures contained in the MMRP into the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, any potentially significant effects on the environment arising from the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project will be reduced to a less than significant level; and

**WHEREAS**, the District Board of Directors hereby certifies that it has considered the proposed MND and MMRP and the information contained within, together with comments received thereto; and

**WHEREAS**, the MND and the MMRP for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project is hereby incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UNITED WATER CONSERVATION DISTRICT AS FOLLOWS:**

1. The District Board of Directors makes the following findings: (a) on the basis of the whole record before the Board (including the initial study, the MND together with the MMRP, comments received in connection thereto, and other information in the record), there is no substantial evidence that the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project will have a significant effect on the environment; (b) the MND together with the MMRP prepared for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project have been completed in compliance with CEQA and consistent with State CEQA Guidelines; (c) the Board has independently reviewed and analyzed the MND together with the MMRP, comments received thereto and other information in the record, prior to its approval of the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project and this Resolution; and (d) the MND together with the MMRP reflects the District’s independent judgment and analysis as a lead agency.

**Resolution 2021-17**

**Cont.**

2. The Board hereby adopts the MND, together with the mitigation, monitoring and reporting measures contained in the MMRP, prepared for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project. The Board further designates the District's Environmental Services Manager at the District's office, located at 1701 N. Lombard Street, Suite 200, Oxnard, California 93030, as the custodian of documents and record of proceedings on which this decision is based.

3. The Board approves the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project and authorizes its implementation when deemed appropriate by the General Manager.

4. The Board authorizes and directs the District's Environmental Services Manager to file a Notice of Determination with the office of the Ventura County Clerk in accordance with the provisions of CEQA.

5. The foregoing recitals are true and correct and incorporated herein as if fully set forth.

**PASSED, APPROVED AND ADOPTED** this 8<sup>th</sup> day of September 2021.

ATTEST: \_\_\_\_\_  
Michael W. Mobley, Board President

ATTEST: \_\_\_\_\_  
Sheldon G. Berger, Board Secretary/Treasurer



# Initial Study/Proposed Mitigated Negative Declaration Freeman Diversion Fish Passage Facility Geotechnical Exploration Project



August 2021

Prepared for:



Prepared by:



Consulting  
Engineers and  
Scientists



# **Initial Study/Proposed Mitigated Negative Declaration**

## **Freeman Diversion Fish Passage Facility**

### **Geotechnical Exploration Project**

Prepared for:

United Water Conservation District  
1701 Lombard Street, Suite 200  
Oxnard, CA 93030

Contact:

Randall McInvale  
Associate Environmental Scientist  
(805) 525-4431

Prepared by:

GEI Consultants  
2868 Prospect Park Drive, Suite 400  
Sacramento, CA 95670

Contact:

Nicholas Tomera  
Senior Regulatory Specialist  
(916) 214-1308

August 2021

Project No. 2005205





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**NOTICE OF INTENT and NOTICE OF PUBLIC HEARING  
TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
(Pursuant to CEQA Section 21092 and CEQA Guidelines Section 15072)  
**FREEMAN DIVERSION FISH PASSAGE FACILITY  
GEOTECHNICAL EXPLORATIONS PROJECT**

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The United Water Conservation District (District) is proposing the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (proposed project or project) along the alignment of a future fish passage facility at the Freeman Diversion facility, located on the Santa Clara River approximately 4 miles southwest of the city center of Santa Paula, Ventura County, California. The District is considering two alternatives for a new fish passage facility location at the Freeman Diversion facility: a hardened ramp and a vertical slot. The proposed geotechnical explorations would inform the design and construction of either fish passage facility alternative. The geotechnical field exploration is critical to the understanding of subsurface conditions.

The project consists of the following exploration activities: collecting soil and rock core samples from approximately 13 borings along and adjacent to the existing Freeman Diversion facility, excavating six test pits at key locations; and conducting seismic refraction traverses. Additionally, one boring will define the depth of a landslide mass and install an inclinometer for monitoring potential movement of the landslide mass; and after the boreholes are drilled, two of the boreholes in upland areas would be converted to open standpipe piezometers for collecting groundwater level data and monitoring. Geotechnical explorations would occur after September 1, 2021, and at locations within the Santa Clara River channel would occur between September 16 and October 3, 2021. The duration of the field work is approximately 4 weeks. Staff would travel to the inclinometer and piezometer weekly or monthly to collect monitoring data. Trips to the site would continue until monitoring is no longer needed and the boreholes are backfilled.

The District is the lead agency for the project, under CEQA, and has directed the preparation of an Initial Study (IS) on the proposed project in accordance with CEQA requirements and the State CEQA Guidelines. The IS describes the proposed project and assesses the proposed project's potentially significant adverse impacts on the physical environment. It concludes that the proposed project's potentially significant or significant adverse effects on the environment can be mitigated to less-than-significant levels; therefore, a proposed Mitigated Negative Declaration (MND) has been prepared. The project site is not present on any of the lists enumerated under Section 65962.5 of the Government Code.

Agencies and members of the public are invited to provide written comments on the IS/MND. **The comment period is from May 20, 2021 to June 18, 2021.** The IS/MND can be reviewed at the District office at 1701 Lombard Street, Suite 200, Oxnard, CA, 93030 or on the District's web site at: <https://www.unitedwater.org/key-documents/#ceqa-documents>

Comments can be sent to Randall McInvale, at 1701 Lombard Street, Suite 200, Oxnard, CA, 93030, or email at [RandallM@unitedwater.org](mailto:RandallM@unitedwater.org). All comments must be received by 5:00 p.m. on June 18, 2021. For e-mailed comments, please include the project title in the subject line, attach comments in MS Word format, and include the commenter's name and U.S. Postal Service mailing address.

# PROPOSED MITIGATED NEGATIVE DECLARATION

<b>Project:</b>	<b>Freeman Diversion Fish Passage Facility Geotechnical Exploration Project</b>
<b>Lead Agency:</b>	<b>United Water Conservation District</b>

## PROJECT LOCATION

The United Water Conservation District (District) proposes the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (project or proposed project) along the alignment of the future fish passage facility at the Freeman Diversion facility, located on the Santa Clara River approximately 4 miles southwest of the city center of Santa Paula, and approximately 10 river miles upstream of the Pacific Ocean in Ventura County, California. General site access would occur from State Route 118 (Los Angeles Avenue) to Southern Pacific Milling Road. An alternative access road to either side of the canal is provided approximately, 0.75 mile downstream (west) of the Freeman Diversion facility near where the concrete lined portion of the canal terminates.

## PROJECT DESCRIPTION

The District is considering two alternatives for a new fish passage facility location at the Freeman Diversion facility: a hardened ramp and a vertical slot. The proposed geotechnical explorations would inform the design and construction of either fish passage facility alternative. The geotechnical field exploration is critical to the understanding of subsurface conditions.

The project consists of the following exploration activities: collecting soil and rock core samples from approximately 13 borings along and adjacent to the existing Freeman Diversion facility, excavating six test pits at key locations; and conducting seismic refraction traverses. Additionally, one boring will define the depth of a landslide mass and install an inclinometer for monitoring potential movement of the landslide mass; and after the boreholes are drilled, two of the boreholes in upland areas would be converted to open standpipe piezometers for collecting groundwater level data and monitoring. Geotechnical explorations would occur after September 1, 2021 and at locations within the Santa Clara River channel would occur between September 16 and October 3, 2021. The duration of the field work is approximately 4 weeks.

Staff would travel to the inclinometer and piezometer weekly or monthly to collect monitoring data. Trips to the site would continue until monitoring is no longer needed and the boreholes are backfilled.

## **FINDINGS**

An IS was prepared to assess the proposed project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed project would not result in significant adverse effects on the physical environment after implementation of mitigation measures. This conclusion is supported by the following findings:

1. The proposed project would have no impacts on land use and planning, public service, recreation, tribal cultural resources, and wildfire.
2. The proposed project would have less-than-significant impacts on aesthetics, agriculture and forestry, energy, greenhouse gas emissions, mineral resources, noise, population and housing, transportation, and utilities and service systems.
3. The proposed project would have potentially significant impacts on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality.
4. The proposed project would not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.
5. The proposed project would not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
6. The proposed project would not have possible environmental effects that are individually limited but cumulatively considerable and contribute to a significant cumulative impact. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
7. The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.

Following are the proposed mitigation measures that would be implemented by the District to avoid or minimize environmental impacts. Implementation of these mitigation measures would reduce the environmental impacts of the proposed project to less-than-significant levels.



## **Mitigation Measure AQ-1: Best Management Practices to Reduce Fugitive Dust, Reactive Organic Compound, and Nitrogen Oxide Emissions.**

The following measures will be implemented during/ following geotechnical exploration activities to the extent possible.

- The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (screened water from the District's diversion facilities) should penetrate sufficiently to minimize fugitive dust during grading activities.
- Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
  - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary.
- Graded and/or excavated inactive areas of the construction site shall be monitored by the District at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the project site that are inactive for over 4 days, as determined to be necessary and/or as part of normal District operations. For the geotechnical exploration areas that are located outside of the existing footprint of the Freeman Diversion facility and outside of the Santa Clara River channel, if no further grading or excavation operations are planned for the area, disturbed areas should be seeded with a native seed mix and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
- Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent/supervisor shall use his/her discretion in conjunction with the Ventura County Air Pollution Control District (VCAPCD) in determining when winds are excessive.
- Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.
- Minimize equipment idling time
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications

- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time
- Use alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, if feasible.

**Mitigation Measure BIO-1: Implement Measures to Minimize Potential for Direct Impacts on Steelhead and Steelhead Habitat.**

To minimize potential direct effects of geotechnical explorations on steelhead and its habitat, the District will ensure that the following measures are implemented:

- Heavy equipment operation will be limited to the minimum area necessary. Work area boundaries will be clearly identified before investigations begin, and no work will occur outside these work areas unless approved by the District Environmental Scientist responsible for permit compliance. All boundary markers will be removed immediately after work in a given area is complete.
- Before entering the site, all equipment will be washed at a location designated by the District Environmental Scientist responsible for permit compliance to ensure equipment is free of mud, algae, snails, and other debris. All equipment will be inspected before leaving the site to ensure it is free of mud and other debris that could contain invasive species.
- If an in-channel boring location is vegetated and vegetation removal is not covered by the existing Freeman Diversion Maintenance Project authorizations, the boring will be moved to an alternate location that does not require vegetation trimming/cutting, if feasible. If an appropriate alternative location that would provide the necessary geotechnical data and avoid vegetation trimming/cutting is not available, vegetation impacts will be limited to trimming/cutting the minimum area and extent required to allow access. Vegetation may be cut to near ground level, but complete removal will not occur. Cut vegetation will be immediately removed from and deposited where it cannot re-enter the channel.
- If areas not covered by the existing Freeman Diversion Maintenance Project authorizations require flow rerouting or dewatering to access boring locations in the Upstream or Downstream Work Area, surveys will be conducted before flow rerouting or dewatering begin in an effort to identify steelhead and other native fish. Relevant areas will be surveyed by two or more biologists/technicians knowledgeable and experienced in steelhead and other native fish identification and ecology. Survey methods may include bank observations and snorkeling. Snorkeling will be conducted when water depth (e.g., >1 foot) or in-channel complexity (e.g., woody debris or riprap) causes bank observations to be ineffective. If conditions are not conducive for confidently surveying the work area for steelhead presence, activities in the affected area will be postponed until such conditions exist or alternate means of access (e.g., crane) will be employed. If steelhead are observed, flow rerouting and/or dewatering in occupied areas will not occur, and the affected boring(s) will be relocated as necessary. If steelhead are not observed, a biologist knowledgeable and experienced in steelhead identification and ecology will be on the site during flow rerouting and/or dewatering to exclude native fish and confirm steelhead do not enter the flow rerouting/

dewatering area. Pacific lamprey ammocoetes found present in the flow rerouting/dewatering area will be collected and relocated to adjacent suitable habitat.

- All project work will cease if a listed species is observed in the work areas until the individual(s) leaves on its own accord, or until USACE completes additional consultation with USFWS and/or NMFS, as appropriate. If a listed species is observed, project personnel will notify the designated District Environmental Scientist who will be responsible for contacting the USACE as well as CDFW.
- A worker environmental awareness training will be provided by a District Environmental Scientist or qualified biologist to all workers before they are allowed access to work areas. A record of trained personnel will be kept by the District Environmental Scientist responsible for permit compliance. The training and associated handout will include contact information for the District Environmental Scientist; a description of required avoidance and minimization measures; information on sensitive species; instructions on correct techniques and procedures for working within the river channel and associated riparian vegetation; instructions to notify the foreman and the District Environmental Scientist in case of a hazardous material spill or equipment leak or upon the discovery of soil or groundwater contamination; instructions to notify the foreman and the District Environmental Scientist if a sensitive species is observed; and instructions that noncompliance with any laws, rules, regulations, or conservation measures could result in a worker being barred from participating in any remaining geotechnical investigations.

**Mitigation Measure BIO-2: Minimize Potential for Destruction of Western Pond Turtle Nests and Injury or Death of Special-status Reptiles.**

To minimize potential direct effects of geotechnical explorations on special-status reptiles, the District will ensure that the following measures are implemented:

- Within 10 days before in-channel geotechnical exploration activities begin, a qualified biologist will conduct an initial survey for western pond turtles along the access in-channel access routes and work areas. If a pond turtle is found, it will be allowed to move out of the area on its own. If evidence of an unhatched nest is found, a no-disturbance buffer will be established and implemented around the nest until the eggs have hatched and the young have dispersed from the area.
- Immediately before geotechnical exploration activities begin in a given area, a qualified biologist will survey the anticipated disturbance and/or dewatering area for special-status reptiles. If any individuals of target species are found, they will be allowed to move out of the area on their own before equipment moves into the area. If an individual does not leave the area and the biologist determines it can be safely captured, the animal will be relocated to suitable habitat in the vicinity, from which it is unlikely to reenter the work area. Work in the area will not begin until the animal has been relocated or is thought to have left the area on its own.
- A worker environmental awareness training will be provided by a District Environmental Scientist or qualified biologist to all workers before they are allowed access to work areas. A record of trained personnel will be kept by the District Environmental Scientist responsible for permit compliance. The training and associated

handout will include contact information for the Districts Environmental Scientist; a description of required avoidance and minimization measures; information on sensitive species; instructions on correct techniques and procedures for working within the river channel and associated riparian vegetation; instructions to notify the foreman and District Environmental Scientist in case of a hazardous material spill or equipment leak or upon the discovery of soil or groundwater contamination; instructions to notify the foreman and District Environmental Scientist if a sensitive species is observed; and instructions that noncompliance with any laws, rules, regulations, or conservation measures could result in a worker being barred from participating in any remaining geotechnical investigations.

- If a pond turtle or other possible special-status reptile is discovered in a work area during geotechnical exploration activities, it will be allowed to move out of the area on its own. If the individual does not leave the work area, the District Environmental Scientist will be notified, and a qualified biologist will attempt to safely capture and relocate the animal to suitable habitat in the vicinity, from which it is unlikely to reenter the work area. Work in the area will not resume until the animal has been relocated or is thought to have left the area on its own.

#### **Mitigation Measure CR-1: Address Previously Undiscovered Historic Resources, Archaeological Resources, and Tribal Cultural Resources.**

If cultural resources are identified during Project-related ground-disturbing activities, all potentially destructive work in the 100-feet of the find should cease immediately and the District Environmental Scientist will be notified. In the event of an inadvertent discovery, the District will retain a qualified archaeologist to assess the significance of the find, make a preliminary determination, and if appropriate, provide recommendations for a treatment plan to mitigate further impacts to the resource. Ground-disturbing activities should not resume near the find until the treatment, if any is recommended, is complete or the qualified archaeologist determines the find is not significant.

#### **Mitigation Measure CR-2: Avoid Potential Effects on Undiscovered Burials.**

If human remains are found, the District should be immediately notified. The California Health and Safety Code requires that excavation be halted in the immediate area and that the county coroner be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) by telephone within 24 hours of making that determination (Health and Safety Code, Section 7050.5[c]).

Once notified by the coroner, the NAHC shall identify the person determined to be the Most Likely Descendant (MLD) of the Native American remains. With permission of the legal landowner(s), the MLD may visit the site and make recommendations regarding the treatment and disposition of the human remains and any associated grave goods. This visit should be conducted within 24 hours of the MLD's notification by the NAHC (PRC, Section 5097.98[a]). If a satisfactory agreement for treatment of the remains cannot be

reached, any of the parties may request mediation by the NAHC (PRC, Section 5097.94[k]). Should mediation fail, the landowner or the landowner's representative must reinter the remains and associated items with appropriate dignity on the property in a location not subject to further subsurface disturbance (PRC, Section 5097.98[b]).

**Mitigation Measure GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan, if required, Implement Erosion Control Best Management Practices, and Comply with Ventura County Standards for Grading and Erosion Control.**

If project activities would disturb more than 1 acre, then activities would be subject to SWRCB's statewide Stormwater General Permit for Construction (2009-0009-DWQ) requirements construction-related stormwater permit requirements of the NPDES program. Any permits will be obtained by the District before any ground-disturbing construction activity.

If a Construction General Permit is needed, it would also require preparation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies best management practices (BMPs) for erosion control and to prevent or minimize the introduction of contaminants into surface waters. Such BMPs could include, but would not be limited to, silt fencing, straw bale barriers, fiber rolls, storm drain inlet protection, hydraulic mulch, and a stabilized construction entrance. The SWPPP will include development of site-specific structural and operational BMPs to prevent and control impacts on runoff quality, measures to be implemented before each storm event, inspection and maintenance of BMPs, and monitoring of runoff quality by visual and/or analytical means. The SWPPP will also include dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. The BMPs shall be clearly identified and maintained in good working condition throughout the construction process. The construction contractor shall retain a copy of the approved SWPPP on the construction site and modify it as necessary to suit specific site conditions.

If it's determined that a construction General Permit and SWPPP is not necessary for the proposed project, the District would still identify and implement BMPs for erosion control, similar to those listed above, to prevent contaminants entering surface water.

The District would obtain and comply with all provisions of a Ventura County Grading Permit, if required.

**Mitigation Measure GEO-2: Implement Construction Worker Personnel Training, Stop Work if Paleontological Resources are Encountered During Earthmoving Activities and Implement a Recovery Plan, if Appropriate.**

To minimize the potential for destruction of or damage to potentially unique, paleontological resources during earth-moving activities, the District will implement the measures described below.

- Before the start of construction activities at the project site, construction personnel involved with earth-moving activities (including the site superintendent) will be informed of the possibility of encountering fossils and proper notification procedures should potential fossils be encountered. This worker training may be prepared and presented by an experienced field archaeologist at the same time as construction worker education on cultural resources is presented.
- If paleontological resources are discovered during earth-moving activities, the construction crew will notify the District and will immediately cease work in the vicinity of the find. The District will retain a qualified paleontologist to inspect the discovery and determine whether further investigation is required. If the discovery can be avoided and no further impacts will occur, no further effort shall be required.
- If the resource cannot be avoided and may be subject to further impact, a qualified paleontologist shall evaluate the resource in accordance with SVP Guidelines (2010) and determine whether it is “unique” under CEQA, Appendix G, part VII. The determination and associated plan for protection of the resource shall be provided to the District for review and approval. If the resource is determined not to be unique, work may commence in the area. If the resource is determined to be a unique paleontological resource, work shall remain halted, and the paleontologist shall consult with the District staff regarding methods to ensure that no substantial adverse change would occur to the significance of the resource pursuant to CEQA.
- Preservation in place (i.e., avoidance) is the preferred method of mitigation for impacts to paleontological resources and shall be required unless there are other equally effective methods. Other methods may be used but must ensure that the fossils are recovered, prepared, identified, catalogued, and analyzed according to current professional standards under the direction of a qualified paleontologist. All recovered fossils shall be curated at an accredited and permanent scientific institution according to Society of Vertebrate Paleontology standard guidelines; typically, the Natural History Museum of Los Angeles County and University of California, Berkeley accept paleontological collections at no cost to the donor. Work may commence upon completion of treatment, as approved by the District.

**Mitigation Measure HAZ-1: Implement Best Management Practices to Minimize the Potential Release of Hazardous Materials.**

Project-related vehicles and equipment will be maintained prior to site access and checked and maintained daily to prevent leaks of materials that, if introduced to the water, could be deleterious. Equipment fueling will occur outside the channel whenever possible. If a stationary piece of equipment cannot be readily moved out of the channel for fueling, a containment system will be used to capture any accidental spill. Onsite fueling trucks and fueling areas will contain spill kits and/or other spill protection devices. Vehicle and equipment fluid spills will be cleaned up immediately. Equipment and material staging/storage will occur outside the channel.

No project-related hazardous substances will be allowed to contaminate the soil and/or enter into or be placed where it may be washed by rainfall or runoff into the Santa Clara River.

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# Abbreviations and Acronyms

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APE	area of potential effect
AQMP	Air Quality Management Plan
BMP	best management practices
BHR	borehole
Cal	calibrated
Caltrans	California Department of Transportation
CARB	California Air Resource Boards
CAAQS	California Ambient Air Quality Standards
CALFIRE	California Department of Forestry and Fire Protection
California Ocean Plan	Water Quality Control Plan – Ocean Waters of California
California Thermal Plan	Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries in California
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CGS	California Geologic Survey
CRHR	California Register of Historical Resources
CDFW	California Department of Fish and Wildlife
CFGC	California Fish and Game Code
CME	central mine equipment
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
County	Ventura County
dBA	A-weighted decibel
District or UWCD	United Water Conservation District
DOF	Department of Finance
DPS	distinct population segment
DWR	Department of Water Resources
DTSC	Department of Toxic Substance Control
EIR	Environmental Impact Report
ESA	Endangered Species Act
GHG	greenhouse gas

HCWC	Habitat Connectivity and Wildlife Corridor
Highway 126	Santa Paula Highway
IS/MND	Initial Study/Proposed Mitigated Negative Declaration
IWMD	Integrated Waste Management Division
KWh	kilowatts per hour
LARWQCB	Los Angeles Regional Water Quality Control Board
Leq	equivalent continuous sound level in decibels
Lmax	maximum instantaneous sound level
MLD	most likely descendant
MRP	Mineral Resource Protection
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Services
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O <sub>3</sub>	ozone
OS-80	Open Space 80 acres
OHP	Office of Historic Preservation
PM	particulate matter
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
PRC	Public Resources Code
proposed project /project	Freeman Diversion Fish Passage Facility Geotechnical Exploration Project
ROC	reactive organic compounds
SCCAB	South-Central Coast Air Basin
SCCIC	South Central Coast Information Center
SO <sub>2</sub>	sulfur dioxide
SPT	Standard Penetration Test
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VCAPCD	Ventura County Air Pollution Control District

VCREA	Ventura County Regional Energy Alliance
VMT	Vehicle miles traveled
Vs30	seismic velocity survey

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# 1.0 Introduction

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The United Water Conservation District (District) has prepared this Initial Study/proposed Mitigated Negative Declaration (IS/MND) in compliance with the California Environmental Quality Act (CEQA) and Guidelines to address the potentially significant environmental impacts of the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (proposed project or project) in Ventura County, California (County). The District is the lead agency under CEQA.

The District has completed the following documents, as required by CEQA:

- a notice of intent to adopt an MND for the proposed project
- a proposed MND
- an IS

After the required public review of this document is complete, the District's Board of Directors will consider all IS/MND comments received, and the entirety of the administrative record for the project, in whether to adopt the proposed MND and a Mitigation Monitoring and Reporting Program and approve the proposed project.

## 1.1 Purpose of the Initial Study

This document is an IS prepared in accordance with CEQA (California Public Resources Code [PRC], Section California Code of Regulations [CCR] 21000 et seq.) and the state CEQA Guidelines (Title 14, Section 15000 et seq. of the CCR). The purpose of this IS is to (1) determine whether proposed project implementation would result in potentially significant or significant impacts on the physical environment; and (2) incorporate mitigation measures into the proposed project design, as necessary, to eliminate the proposed project's potentially significant or significant project impacts or reduce them to a less-than-significant level. An MND is prepared if the IS identified one or more potentially significant impacts, and: (1) revisions in the proposed project mitigate the potentially significant impacts to less-than-significant levels; and (2) there is no substantial evidence, in light of the whole record before the lead agency, that the proposed project, as revised, may have a potentially significant or significant impact on the physical environment.

An IS presents environmental analysis and substantial evidence in support of its conclusions regarding the significance of environmental impacts. Substantial evidence may include expert opinion based on facts, technical studies, or reasonable assumptions based on facts. An IS is neither intended nor required to include the level of detail provided in an Environmental Impact Report (EIR).

CEQA requires that all state and local government agencies consider the potentially significant and significant environmental impacts of projects they propose to carry out or over which they

have discretionary authority, before implementing or approving those projects. The public agency that has the principal responsibility for carrying out or approving a proposed project is the lead agency for CEQA compliance (state CEQA Guidelines, CCR Section 15367). The District is a public agency and has principal responsibility for carrying out the proposed project and is therefore the CEQA lead agency for this IS/MND.

If there is substantial evidence (such as the findings of an IS) that a proposed project, either individually or cumulatively, may have a significant or potentially significant impact on the physical environment, the lead agency must prepare an EIR (state CEQA Guidelines, CCR Section 15064[a]). If the IS concludes based on substantial evidence that impacts would be less-than-significant, or that mitigation measures committed to by the project proponent (the District) would reduce impacts to a less-than-significant level, a Negative Declaration or MND may be prepared.

The District has prepared this IS to evaluate the potential environmental impacts of the proposed project and has incorporated mitigation measures to eliminate or reduce any potentially significant project-related impacts. Therefore, an MND has been prepared for this project.

## **1.2 Summary of Findings**

Chapter 3 of this document contains the analysis and discussion of potential environmental impacts of the proposed project. Based on the issues evaluated in that chapter, it was determined that:

The proposed project would result in no impacts on the following issue areas:

- Land Use and Planning
- Public Service
- Recreation
- Tribal Cultural Resources
- Wildfire

The proposed project would result in less-than-significant impacts on the following issue areas:

- Aesthetics
- Agriculture and Forestry
- Energy
- Greenhouse Gas
- Mineral Resources
- Noise
- Population and Housing
- Transportation
- Utilities and Service System

The proposed project would result in less-than-significant impacts *after* mitigation implementation on the following issue areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality

### **1.3 Document Organization**

This document is divided into five sections:

**Chapter 1, Introduction.** This chapter describes the purpose of the IS/MND, summarizes findings, and describes the organization of this IS/MND.

**Chapter 2, Project Description.** This chapter describes the project location and background, project need and objectives, project characteristics, construction activities, project operations, and discretionary actions and approvals that may be required.

**Chapter 3, Environmental Checklist.** This chapter presents an analysis of environmental issues identified in the CEQA environmental checklist and determines whether project implementation would result in a beneficial impact, no impact, less-than-significant impact, less-than-significant impact with mitigation incorporated, potentially significant impact, or significant impact on the physical environment for each resource topic identified in CEQA Guidelines Appendix G. Should any impacts be determined to be potentially significant or significant, an EIR would be required. For this proposed project, however, mitigation measures have been incorporated as needed to reduce all potentially significant and significant impacts to a less-than-significant level.

**Chapter 4, References.** This chapter lists the references used to prepare this IS/MND.

**Chapter 5, Report Preparers.** This chapter identifies report preparers who contributed to the preparation of this document.



## 2.0 Project Description

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### 2.1 Project Background

The Freeman Diversion facility includes a Denil fish ladder that was designed to provide upstream passage for adult steelhead, however, as a result of litigation, the United States District Court for the Central District of California determined the current facility is inadequate and the District is required to analyze alternative fish passage facility designs for eventual replacement in consultation with the resource agencies and as part of the Freeman Diversion Multiple Species Habitat Conservation Plan. The District is considering two alternatives for a new fish passage facility: a hardened ramp and a vertical slot. The proposed geotechnical explorations would inform the design and construction of either fish passage facility alternative. Previous geotechnical explorations nearby the Freeman Diversion facility were conducted in 1983, 1989, 2013 and 2016. The currently proposed geotechnical explorations would supplement the previously collected data with borings to greater depths and at more specific locations needed to better characterize the subsurface conditions along the proposed alignment, as well as test pits and a seismic refraction survey.

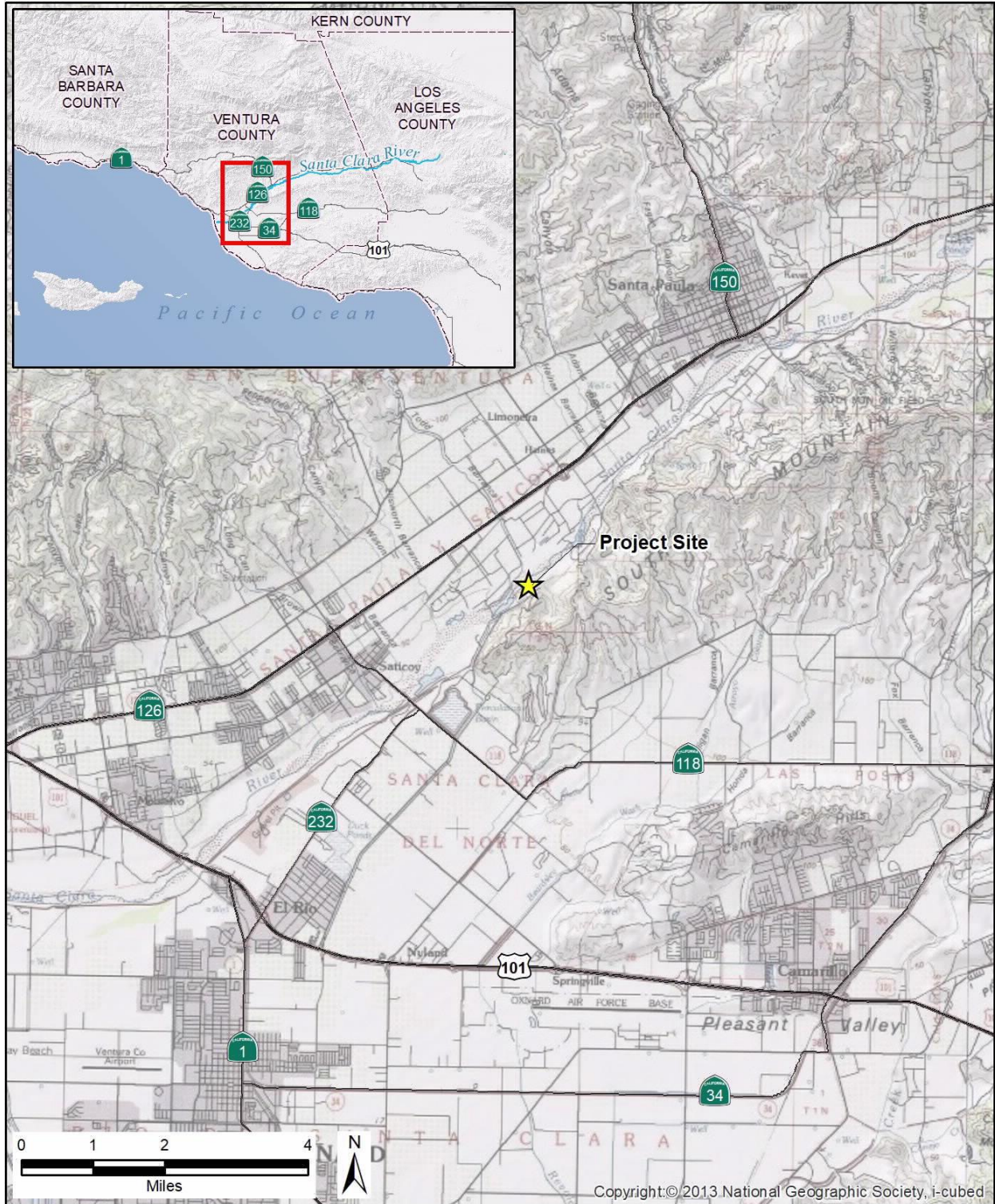
### 2.2 Project Location

The Freeman Diversion facility is located on the Santa Clara River approximately 4 miles southwest of the city center of Santa Paula, and approximately 10 river miles upstream of the Pacific Ocean in Ventura County, California (**Figure 2-1**). The proposed geotechnical explorations would occur along the alignment of the future fish passage facility. The proposed geotechnical explorations, including boring locations, test pit locations, seismic refraction survey lines, and associated access routes are shown in **Figure 2-2**. General site access would occur from State Route 118 (Los Angeles Avenue) to Southern Pacific Milling Road. The main roadway at Los Angeles Avenue is paved, whereas the Southern Pacific Milling Road is a well-maintained gravel road. An alternative access road to either side of the canal is provided approximately 0.75 mile downstream (west) of the Freeman Diversion facility near where the concrete lined portion of the canal terminates.

### 2.3 Project Objectives

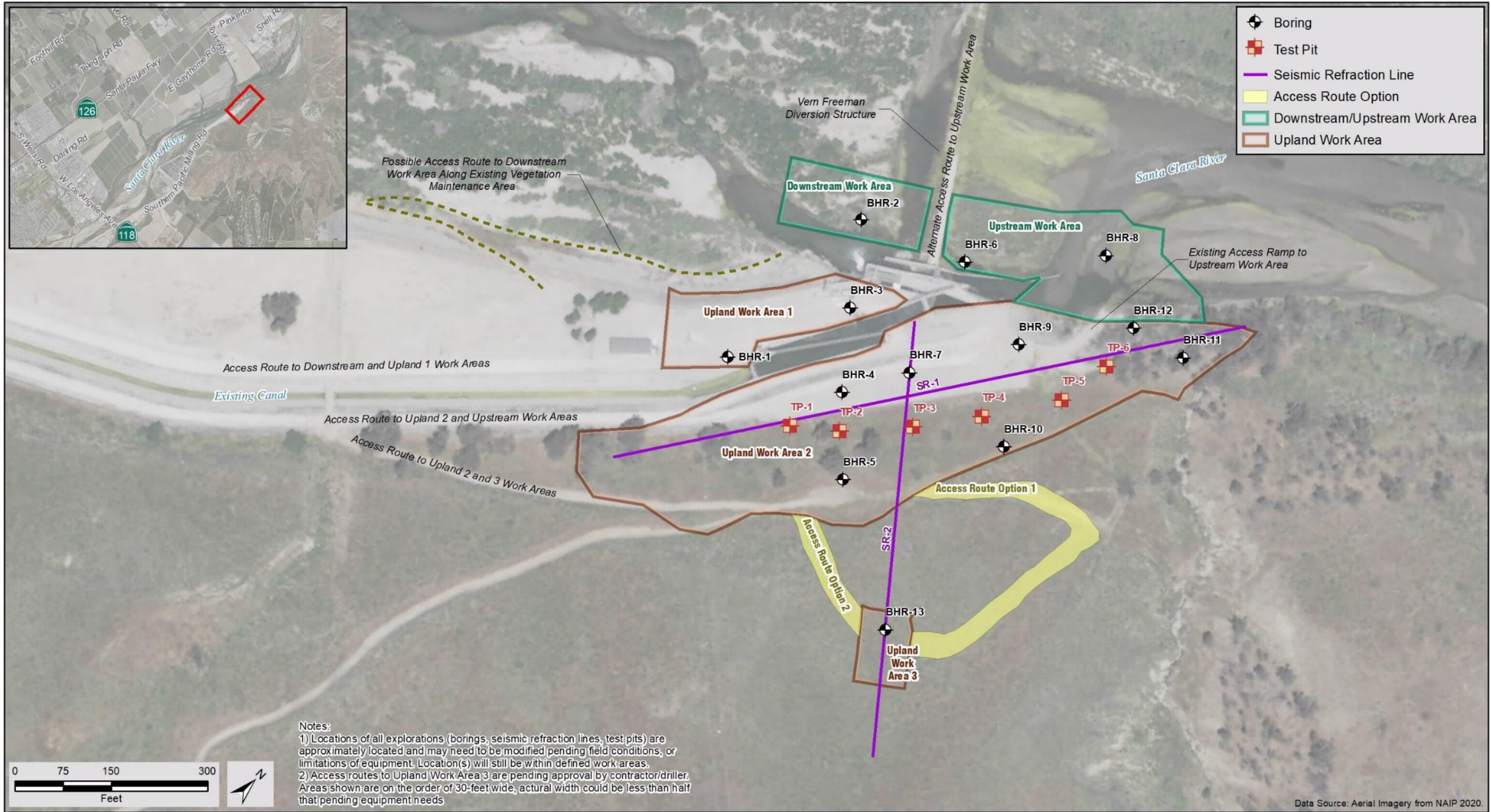
The District is pursuing the project to investigate the geotechnical site characteristics to inform final design and construction of the future fish passage facility alignment at the Freeman Diversion facility. The geotechnical field exploration is critical to the understanding of subsurface conditions, as follows:

**Figure 2-1. Freeman Diversion Facility Location**



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Figure 2-2. Geotechnical Field Exploration Locations



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- characterizing the lithology, structure, and rock mass properties of the bedrock
- identifying adverse conditions such as low strength, weathered, and/or highly fractured bedrock
- characterizing potential seismic hazards and groundwater conditions
- evaluating the rippability of the bedrock
- calculating the amount of overburden and excavation required during construction

## **2.4 Geotechnical Exploration Activities**

The project would consist of the following exploration activities, described below in this section:

- collecting soil and rock core samples from approximately 13 borings taken along and adjacent to the existing Freeman Diversion facility
- excavating 6 test pits at key locations
- conducting seismic refraction traverses

### **2.4.1 Borings**

Approximately 13 borings would be drilled as close as feasible to the locations shown in **Figure 2-2**. The exact boring locations would be determined depending on the drill rig and specific site conditions (e.g., presence of open water) but would be within the work area boundaries shown. Up to an approximately 50-foot-square drill pad may be required for each boring. BHR-1 and 3 are located to determine the depth to bedrock and characterize foundation conditions. BHR-4, 5, 7, 9, 10, 11, and 12 are located to determine the depth to bedrock and characterize foundation conditions for the roller compact concrete support. BHR-2, 6, and 8 are located in the Santa Clara River channel to inform foundation conditions for the future fish passage facility and prefabricated bridge foundation. A seismic velocity survey would be performed in one borehole (at either BHR-4, 7, 9, or 12) after drilling and sampling is complete. The procedure involves lowering a suspended probe equipped with a dipole seismic energy source near the tip of the probe and a pair of geophones within the middle to upper section of the probe.

The purpose of BHR-13 is to define the depth of the landslide mass and install an inclinometer for monitoring potential movement of the landslide mass. After the boreholes are drilled, two of the boreholes in upland areas (in either BHR-1, 3, 4, 5, 7, 9, 10, 11, or 12) would be converted to open standpipe piezometers for collecting groundwater level data and monitoring. The inclinometer and piezometers would be left in place after completion exploration activities to collect data prior to, during, and/or after the future fish passage facility is constructed.

### **Borehole Construction**

Boring diameters would range from approximately 4 to 6 inches and borehole depth would range from approximately 25 to 150 feet. Rotary wash drilling techniques would be used, which include a polymer as the additive to water to create the drilling mud. Bentonite may be used in place of a polymer in the soil portion of the borings, as necessary to keep the borehole from collapsing. The

boring machines require a water source and a polymer for lubrication during drilling. Water for drilling would be obtained by one of the following methods:

- drawn from the canal downstream of the Freeman Diversion facility by filtered pump, distributed by flexible, temporary hose to each drill site, and collected along with the drill muck for disposal; or
- trucked onsite from a to be determined treated water source.

### **Cutting Disposal**

The cuttings generated by drilling and drilling fluids are forced up the side of the borehole outside the drill rods and collected into a tank at the ground surface. The heavier cuttings fall out as the fluid travels through partitions in the tank and the fluids are re-circulated within the closed drilling system. The cuttings are removed by either pumping directly into a portable storage tank or by shoveling them from the tank. Where practical, solid stem augers may be used until groundwater is encountered.

Overburden soils (alluvium and fill) and hard rock would be sampled and transported offsite for analysis. Disposal of cuttings would be determined based on sampling. It is anticipated that material encountered in boreholes would be free of contaminants and suitable for spreading on the ground surface at or near the drill sites (in locations where runoff would not return materials to the streambed), using small hand dug ditches or berms as necessary to control runoff. No cuttings would be spread at the drill sites in the Santa Clara River channel. Alternatively, cuttings would be temporarily stored in 55-gallon drums or 20-cubic-yard, plastic-lined bins located in the designated work areas, prior to disposal at an appropriate inland site location (inland area of the adjacent property owned by the District) or landfill.

### **Borehole Completion**

Unless converted to a piezometer or inclinometer, boreholes would be backfilled with cement-bentonite grout using the tremie method, where a tremie (watertight pipe) is used to pour concrete underwater in a way that avoids washout of cement from water coming into contact with the concrete while it is flowing. The grout would displace the fluid remaining from borehole construction. Displaced fluid would be collected in the tank for offsite disposal. The grout would be checked for settlement and refilled as needed. Local soils would be used to top off the backfill at the ground surface. The backfilling procedures would be in accordance with Ventura County Environmental Health Division.

#### **2.4.2 Test Pits**

Approximately six test pits would be excavated in upland areas adjacent to the future fish passage facility within Upland Work Area 2. The test pits would be excavated to inform the stability of anticipated cuts along the fill and alluvium. Each test pit would be approximately 3 feet by 15 feet and would be excavated with a track-mounted excavator. Test pits would be excavated until digging cannot go further or to a depth of approximately 12 feet. The test pits may be excavated in a stepped or slope configuration at one end to allow safe entry and exiting. Material would be stockpiled adjacent to excavations and used for backfilling after data collection. A sufficient

amount of compaction effort would be applied to place the backfill material to a relatively firm and unyielding condition. After backfilling, the test pit location would be returned to near pre-excavation conditions and with a free-draining surface, such that ponding does not occur at the test pit location. Any excess spoils would be smoothly mounded over the test pit footprint in anticipation of future minor settlement.

### **2.4.3 Seismic Refraction Survey**

Seismic refraction surveys would be conducted along the ground surface of the proposed alignment shown on **Figure 2-2** to evaluate the rippability of the bedrock, thickness of the overburdened and weathering characteristic of the bedrock. The seismic refraction surveys are conducted from the ground surface by striking a sledgehammer onto a metal plate placed on the ground. Very sensitive geophones mounted a few inches deep into the soil measure resulting subsurface wave velocities and the depth of overburden soil is computed based on the test results.

## **2.5 Work Areas and Access**

Four generalized work areas have been defined, as follows, and shown on **Figure 2-2**: Upland Work Area 1, Upland Work Area 2, Upland Work Area 3, and In-Channel Work Areas (Upstream and Downstream). Before entering the work areas, all equipment would be washed at a location designated by the District to ensure equipment is free of mud, algae, snails, and other debris. All equipment would be inspected before leaving the site to ensure it is free of mud and other debris that could contain invasive species. The rest of this section discusses access to each of these work areas and other important details for conducting work.

- **Upland Work Area 1 and the Upstream and Downstream (in-channel) Work Areas** would be accessed along the primary Freeman Diversion facility access road on the north side of the canal. This provides easy drive-up access to borings BHR-1 and 3.
- **Upland Work Areas 2 and 3** would be accessed along the well-graded road on the south side of the canal. This provides easy drive-up access to BHR-4, 7, and 9 and relatively easy drive-up access to BHR-5, 10, 11, and 12 and TP-1 through TP-6. The southern portion of Upland Work Area 2, including BHR-5 and 10, would be accessed via an existing dirt road on the adjacent property. Upland Work Area 3, which includes BHR-13, would also be accessed along this dirt road but would require cross-country travel, likely including grading. Two potential routes to Work Area 3 are shown on **Figure 2-2**. The exact path and area of impact would be determined depending on the drill rig and grade limitations. The routes shown are 30 feet wide but may be considerably narrower. In addition to grading the access route, an approximately 50-foot-square drill pad may be required.
- **Upstream and Downstream Work Areas** would initially be accessed via existing ramps and routes identified for the Freeman Diversion Maintenance Project. Because the river channel is a dynamic river system capable of depositing and redistributing large quantities of sediment within the channel, the exact access routes to BHR-2, 6, and 8 are uncertain. Depending on the amount of river flow during the 2020-21 water year, the District may need to prepare and implement a dewatering and diversion plan. It is possible access can be readily obtained by non-extraordinary means such as drive-up access with a truck-mounted drill rig, but steel plates or drill mats may be necessary, particularly where soft ground may be encountered. However,

relatively deep pools (at times exceeding a depth of 6 feet) may obstruct overland travel entirely, requiring the use of a crane to mobilize a compact drill rig. Lastly, it is possible that access to the Upstream Work Area could be provided along the crest of the Freeman Diversion facility from the right abutment off Todd Road (*see* **Figure 2-2**).

## **2.6 Schedule, Staffing and Equipment**

Geotechnical explorations would be conducted beginning September 1 or later in the year and within the Santa Clara River channel would only be conducted between September 16 and October 3, 2021. The duration of the field work is approximately 4 weeks. Project activities would occur Monday-Friday from 6 a.m. to 7 p.m.

Borings would be conducted using a track-carrier mounted or truck mounted drill and/or a smaller more light-weight rig for borings if they require the use of a crane to deliver the equipment to in-channel drilling location(s) (at BHR-2, 6 and 8). Heavy equipment operation would be limited to the minimum area necessary. Support vehicles would include up to five pickup trucks and a water truck. It is possible a small all-terrain utility vehicle would also be used. Onsite work crews would typically include approximately five personnel.

## **2.7 Monitoring**

Staff would travel to the inclinometer and piezometer weekly or monthly to collect monitoring data. Trips to the site would continue until monitoring is no longer needed and the boreholes are backfilled, as described above.

## **2.8 Regulatory Requirements, Permits, and Approval**

### ***2.8.1 Existing Freeman Diversion Maintenance Project Permits***

In 2019, the United States Army Corps of Engineers (USACE) issued a Programmatic Individual Permit (SPL-2013-00171-EBR) for the Freeman Diversion Maintenance Project; authorizing activities annually to maintain this facility through December 18, 2024. In support of the Individual Permit and as required under Section 7 of the Endangered Species Act (ESA), the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) issued letters of concurrence. The Water Quality Certification was deemed to be waived by USACE.

Among other items, the Programmatic Individual Permit authorizes downstream dewatering activities of the Freeman Diversion facility, upstream and downstream flow diversion, vegetation removal within 15 feet of the Freeman Diversion facility, riprap berms, and access routes, and repair of access routes. To the maximum extent practicable, the District would implement the Freeman Diversion Maintenance Project activities immediately prior to or during the geotechnical explorations to facilitate access to the exploration locations. For the aforementioned activities (e.g., dewatering, vegetation removal), the District would adhere to all permit terms and conditions, including geographical limitations and timing requirements.



### **2.8.2 Proposed Project**

The District would also obtain permits and approvals for geotechnical exploration activities and work areas that are beyond the scope of permits obtained for the Freeman Diversion Maintenance Program. The following permits and approvals are anticipated.

- **USACE Clean Water Act (CWA) Section 404 Permit.** This permit is required for discharge of dredge and fill material into waters of the United States, including the Santa Clara River.
- **ESA Section 7 Consultation.** Consultation with the NMFS and USFWS is required for possible effects on federally listed species pursuant to Section 7 of the federal ESA.
- **NRHP Section 106 Consultation.** Consultation with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council on Historic Preservation to develop an agreement that addresses the treatment of historic properties.
- **Los Angeles Regional Water Quality Control Board (LARWQCB) CWA Section 401 Water Quality Certification.** This certification is required for issuance of federal permits including the CWA Section 404 permit and discharge of dredge and fill material to waters of the state.
- **California Department of Fish and Wildlife (CDFW), Lake and Streambed Alteration Agreement.** Compliance with California Fish and Game Code Section 1602 may be required for alteration of the bed and bank of the Santa Clara River. The District will submit a notification under Fish and Game Code 1602 and will comply with all requirements of the resulting Lake and Streambed Alteration Agreement.
- **Ventura County Public Works Agency, Watershed Protection District Watercourse Permit.** This permit is required for any work or activity in, on, over, under, or across the bed and banks of a channel with Ventura County Watershed Protection District.
- **Ventura County Public Works Agency, Watershed Protection District Floodplain Management Ordinance No. 4521, including Flood Plain Development Permit.** The project is required to comply with all outlined requirements set for in Management Ordinance No. 4521, including obtaining a Flood Plain Development Permit.

## 3.0 Environmental Checklist

### Project Information

#1. Project title:	Freeman Diversion Fish Passage Facility Geotechnical Exploration Project
#2. Lead agency name and address:	United Water Conservation District 1701 North Lombard Street, Suite 200 Oxnard, CA 93030
#3. Contact person and phone number:	Randall McInvale: (805) 525-4431
#4. Project location:	4 miles southwest of the city center of Santa Paula, Ventura County, California
#5. Project sponsor's name and address:	Same as lead agency
#6. General plan designation:	Agriculture and Open Space
#7. Zoning:	Open Space 80 acres (OS-80)/Mineral Resource Protection (MRP)/Habitat Connectivity and Wildlife Corridor (HCWC)
#8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or offsite features necessary for its implementation. Attach additional sheets if necessary.)	The proposed project proposes geotechnical explorations to investigate the geotechnical site characteristics to inform final design and construction of the future fish passage facility at the Freeman Diversion facility, owned by the District.
#9. Surrounding land uses and setting: Briefly describe the project's surroundings:	The surrounding land use consists of the Santa Clara River, the Southern Pacific Milling Company, bare ground, and a vegetated hillside
#10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)	NMFS, USFWS, USACE, LARWQCB, State Historic Preservation Officer, and CDFW.
#11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to PRC Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?	No California Native American tribes have requested consultation.

**Note:** Conducting consultation early in the California Environmental Quality Act (CEQA) process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. **Please also note** that PRC Section 21082.3(c) contains provisions specific to confidentiality.

## Environmental Factors Potentially Affected

No environmental resources were found to have “potentially significant impacts”. The environmental factors listed as “Yes” in the table below would be potentially affected by this project, involving at least one impact that has “Less-than-Significant Impacts with Mitigation Incorporated” as indicated by the checklist on the following pages. Impacts to all resources for the proposed project are reduced to less-than-significant with the incorporation of mitigation measures.

**Table 3-1. Environmental Resources with Potentially Significant Impacts Prior to Mitigation.**

Environmental Resources	Yes or No?
Aesthetics	No
Agriculture and Forestry Resources	No
Air Quality	Yes
Biological Resources	Yes
Cultural Resources	Yes
Energy	No
Geology/Soils	Yes
Greenhouse Gas Emissions	No
Hazards and Hazardous Materials	Yes
Hydrology/Water Quality	Yes
Land Use/Planning	No
Mineral Resources	No
Noise	No
Population/Housing	No
Public Services	No
Recreation	No
Transportation	No
Tribal Cultural Resources	No
Utilities/Service Systems	No
Wildfire	No
Mandatory Findings of Significance	No

## Determination (To be completed by the Lead Agency)

On the basis of this initial evaluation:	Yes or No?
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	No
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	Yes
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	No
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	No
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	No

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
United Water Conservation District  
Agency

### 3.1 Aesthetics

#1. **AESTHETICS.** Except as provided in PRC Section 21099, **would the project:**

#1 -a. Have a substantial adverse effect on a scenic vista?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#1 -b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#1 -c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#1 -d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.

#### 3.1.1 Environmental Setting

The project site is located approximately 1 mile south of Santa Paula Highway (Highway 126), and 2.25 miles northeast of Highway 118. To access the site, from Highway 118 take the unnamed dirt road exit (approximately 0.10 mile from East Vineyard Avenue) onto South Pacific Milling Road and continue for 2.25 miles until reaching BHR-1. The project area is moderately sloped and is comprised of the Santa Clara river channel and floodplain, a vegetated hillside, and bare unpaved ground. The western section of the project site surrounds a mineral resource processing station. There are no scenic vistas within the vicinity of the project site. There are public views of the portion of the project site along the hillside from highways 126 and 118. The majority of the project site would not be visible due to the agricultural fields to the north, and hillsides to the south of the project site. There are no designated scenic highways within the vicinity of the project site (Caltrans 2015 and 2019).

### 3.1.2 Discussion

**#1 -a, b, and d. Have a substantial adverse effect on a scenic vista? Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

There are no significant viewsheds, scenic vistas, or scenic highways located in the vicinity of the project site (Caltrans 2015 and 2019). Geotechnical exploration activities would be conducted during the day and the project would not create new sources of light. There would be no change to visual resources. There would be **no impact**.

**#1 -c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

There would be workers onsite for a period of approximately 4 weeks, collecting soil and rock samples, performing seismic refraction traverses, and performing test pit sampling along key locations. However, following geotechnical explorations, the project site would be restored to approximate pre-project conditions. If vegetation is removed from the river channel, these areas are anticipated to become naturally revegetated. Since the project would not result in any new built structures or damage to the existing landscape, the project would not permanently change the existing views. Therefore, this impact is considered **less than significant**.

### 3.2 Agriculture and Forestry Resources

**#2. AGRICULTURE AND FORESTRY RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **Would the project:**

<p>#2 -a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>#2 -b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>#2 -c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>#2 -d. Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>

#2 -e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <u>Yes.</u>	Have No Impact? No.	Have Beneficial Impact? No.
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### 3.2.1 *Environmental Setting*

The project site is zoned as OS-80/MRP/HCWC (Ventura County 2020). There is no agriculture land within the project site. PRC Section 12220(g) defines “forestland” as land that can support 10 percent native tree cover and forest vegetation of any species, including hardwoods, under natural conditions and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to this definition, small portions of the project site would qualify as forestland, near BHR 11 and 13.

### 3.2.2 *Discussion*

**#2 -a and b. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The project site does not contain any agricultural lands, and therefore, the project would not convert any farmland to non-agriculture uses and would not conflict with a Williamson Act contract. There would be **no impact**.

**#2 -c and d. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? Result in the loss of forest land or conversion of forest land to non-forest use?**

The project site is zoned as OS-80/MRP/HCWC, which allows for the management of forest land and rangelands (Ventura County 2020). However, the project would not require the rezoning of existing lands because no development is proposed. There would be **no impact**.



**#2 -e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

There is no agricultural land within the project site. There are small patches of forestland within the project site, near BHR 11 and 13 on the hillside. The project would likely require removal of vegetation at these locations. However, the relatively small amount of vegetation removal would be insignificant. The Los Padres National Forest accounts for approximately 574,000 acres, or 47 percent of the Ventura County's total land area. Therefore, this impact would be **less than significant**.

### 3.3 Air Quality

**#3. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. **Would the project:**

#3 -a. Conflict with or obstruct implementation of the applicable air quality plan?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#3 -b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#3 -c. Expose sensitive receptors to substantial pollutant concentrations?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <u>Yes.</u>	Have No Impact? No.	Have Beneficial Impact? No.
#3 -d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.

#### 3.3.1 Environmental Setting

The proposed project is located in the South-Central Coast Air Basin (SCCAB) within Ventura County. The Ventura County Air Pollution Control District (VCAPCD) is responsible for obtaining and maintaining air quality conditions in the County.

The federal Clean Air Act and California Clean Air Act required the United States Environmental Protection Agency and California Air Resource Boards (CARB) to establish health-based air quality standards at the federal and state levels. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) were established for the following criteria pollutants: carbon monoxide (CO), ozone (O3), sulfur dioxide (SO2), nitrogen dioxide (NO2), particulate matter less than 10 microns in diameter (PM10), particulate matter less than 2.5 microns in diameter (PM2.5), and lead. Areas of the state are designated as attainment, nonattainment, maintenance, or unclassified for the various pollutant standards according to the federal Clean Air Act and California Clean Air Act.

An “attainment” designation for an area signifies that pollutant concentrations did not violate the NAAQS or CAAQS for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as identified in the criteria. A “maintenance” designation indicated that the area previously categorized as nonattainment is currently categorized as attainment for the applicable pollutant; though the area must demonstrate continued attainment for a specific number of years before it can be re-designated as an attainment area. An “unclassified” designation signifies that data does not support either an attainment or a nonattainment status. The United States Environmental Protection Agency established NAAQS in 1971 for six air pollution constituents. States have the option to add other pollutants, to require more stringent compliance, or to include different exposure periods. CAAQS and NAAQS are listed in **Table 3-2**.

Under the CAAQS, the County is designated as nonattainment for 8-hour ozone, and PM10, and attainment/unclassified for PM2.5, CO, NO2., SO2., lead, and sulfates (CARB 2019). Under NAAQS, the County is designated as nonattainment for 8-hour ozone, and attainment/unclassified for PM2.5, PM10, CO, NO2, SO2, lead, and sulfates (CARB 2019).

The area’s air quality monitoring network provides information on ambient concentrations of air pollutants in the SCCAB. VCAPCD operates several monitoring stations in Ventura County, air quality data was obtained from the El Rio station. **Table 3-3** compares a 5-year summary of the highest annual criteria air pollutant emissions collected at this station with applicable CAAQS, which are more stringent than the corresponding NAAQS. Due to the regional nature of these pollutants, O3, PM2.5, and PM10 are expected to be fairly representative of the project site. As indicated in **Table 3-3**, O3 and PM10 standards have been exceeded over the past 5 years.

**Table 3-2. Federal and California Ambient Air Quality Standards and Attainment Status.**

Pollutant	Averaging Time	California Standards Concentration	Federal Primary Standards Concentration
Ozone (O <sub>3</sub> )	8-hour	0.070 parts per million (ppm). (137 micrograms per cubic meter).	0.070 ppm (137 micrograms per cubic meter.) (See Note #1.)
	1-hour	0.09 ppm. (180 micrograms per cubic meter).	(None; see Note #2.)
Respirable Particulate Matter (PM <sub>10</sub> )	24-hour	50 micrograms per cubic meter.	150 micrograms per cubic meter.
	Annual Arithmetic Mean	20 micrograms per cubic meter.	(None.)
Fine Particulate Matter (PM <sub>2.5</sub> )	24-hour	(None.)	35 micrograms per cubic meter.
	Annual Average	12 micrograms per cubic meters.	12 micrograms per cubic meter.
Carbon Monoxide	8-hour	9 ppm. (10 milligrams per cubic meter.)	9 ppm. (10 milligrams per cubic meter).
	1-hour	20 ppm. (23 milligrams per cubic meter).	35 ppm. (40 micrograms per cubic meter).
Nitrogen Dioxide	Annual Average	0.03 ppm. (57 micrograms per cubic meters.)	0.053 ppm. (100 micrograms per cubic meters.)
	1-hour	0.18 ppm. (339 micrograms per cubic meters.)	0.100 ppm. (188 micrograms per cubic meters.)
Lead	30-day Average	1.5 micrograms per cubic meters.	(None.)
	Rolling 3-Month Average	(None.)	0.15 micrograms per cubic meter.
	Quarterly Average	(None.)	1.5 micrograms per cubic meter.
Sulfur Dioxide	24-hour	0.04 parts per million. (105 micrograms per cubic meter.)	0.14 parts per million (for certain areas)
	3-hour	(None.)	(None.)
	1-hour	0.25 parts per million. (655 micrograms per cubic meter.)	0.075 parts per million. (196 micrograms per cubic meter.)
Sulfates	24-hour	25 micrograms per cubic meter.	No federal Standard.
Hydrogen Sulfide	1-hour	0.03 parts per million. (42 micrograms per cubic meter.)	No federal Standard.
Vinyl Chloride	24-hour	0.01 parts per million. (26 micrograms per cubic meter.)	No federal Standard.

**Notes:**

#1. On October 1, 2015, the national 8-hour ozone (O<sub>3</sub>) primary and secondary standards were lowered from 0.075 to 0.070 ppm.  
 #2. 1-Hour ozone standard revoked effective June 15, 2005, although some areas have continuing obligations under that standard.  
 Source: CARB 2016

**Table 3-3. Ambient Air Quality Monitoring Data Measured at the El Rio Monitoring Station.**

Pollutant Standards	2015	2016	2017	2018	2019
<b>1-Hour Ozone</b>					
Maximum 1-hour concentration (ppm)	0.070	0.084	0.084	0.072	0.078
Days Exceeding <sup>a</sup> CAAQS 1-hour (>0.09 parts per million)	0	0	0	0	0
<b>8-Hour Ozone</b>					
National maximum 8-hour concentration (ppm).	0.066	0.071*	0.071*	0.062	0.070
State max. 8-hour concentration (ppm).	0.066	0.071*	0.072*	0.062	0.070
Days Exceeding <sup>a</sup> NAAQS 8-hour. (>0.075 ppm) (See note #1.)	0	0	0	0	0
Days Exceeding <sup>a</sup> CAAQS 8-hour. (>0.070 ppm) (See note #1.)	0	1	1	0	0
<b>Particulate Matter (PM10)</b>					
National max. 24-hour concentration (micrograms per cubic meter).	93.3	105.0	287.9*	209.0*	187.8*
State max. 24-hour concentration (micrograms per cubic meter).	92.0*	101.6*	286.0*	208.4*	192.4*
State max. 3-year average concentration (micrograms per cubic meter).	27	27	29	29	29
State annual average concentration (micrograms per cubic meter).	25.6	N/A	29.0	26.6	N/A
Days Exceeding <sup>a</sup> NAAQS 24-hour (>150 micrograms per cubic meter).	0	0	1	2	2
Days Exceeding <sup>a</sup> CAAQS 24-hour (>50 micrograms per cubic meter).	6	N/A	29.5	21	N/A
<b>Particulate Matter (PM2.5)</b>					
National max. 24-hour concentration (micrograms per cubic meter).	25.5	22.7	81.3*	41.2*	25.5
State max. 24-hour concentration (micrograms per cubic meter).	25.5	22.7	81.3	41.2	25.5
State annual average concentration (micrograms per cubic meter).	9.5	8.1	N/A	8.3	N/A
Days Exceeding <sup>a</sup> NAAQS 24-hour (>35 micrograms per cubic meter).	0	0	4.1	1.0	0

Notes:

\* = Values in excess of applicable standard.

N/A =There was insufficient (or no) data available to determine the value.

2018 is the latest year of data available as of preparation of this Chapter.

#1. An exceedance is not necessarily a violation. Sources: CARB 2019.

### 3.3.2 Discussion

#### #3 -a and b. Conflict with or obstruct implementation of the applicable air quality plan? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The VCAPCD has established direct impact thresholds of 25 pounds per day of reactive organic compounds (ROC) and the same for nitrogen oxides (NO<sub>x</sub>) and cumulative impact thresholds of 2 pounds per day of ROC and the same for NO<sub>x</sub>. The *Ventura County Air Quality Assessment Guidelines* states that an environmental document for a proposed project must address a projects consistency with the Air Quality Management Plan (AQMP). Project consistency with the AQMP can be determined by comparing the actual population growth in the county with the projected growth rates used in the AQMP. However, a project that conforms to the applicable General Plan designation and has the VCAPCD cumulative threshold of 2 pounds per day of ROC and NO<sub>x</sub>, is not required to assess consistency with the AQMP. Consequently, a project with emissions below these levels is also considered to have a less-than-significant cumulative adverse air quality impact. (VCAPCD 2003). Additionally, the *Ventura County Air Quality Assessment Guidelines* state that a project that may be reasonably expected to generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which may endanger the comfort, repose, health, or safety of any such person or the public, or which may cause, or have a natural tendency to cause, injury or damage to business or property (*see* California Health and Safety Code, Division 26, §41700) would have a significant adverse air quality impact (VCAPCD 2003).

The project would generate minimal short-term emissions from the use of equipment needed for exploration activities and from workers commuting to the project site. Only a few pieces of construction equipment would be used as a time and intermittently each day. Additionally, up to five pickup trucks, one water truck, and one small all-terrain utility vehicle would be onsite. The proposed activities would require approximately five round trips each day to transport crew members, materials, and equipment to the project site. Due to the very small amount of construction equipment and truck trips needed each day to complete the proposed project, project activities are not anticipated to generate daily emissions over the established direct impact thresholds. Additionally, the proposed project would not be growth inducing as it would not include construction of new developments. The project would conform to the Ventura County General Plan and is not anticipated to produce cumulative emissions over 2 pounds per day of ROC and NO<sub>x</sub>. Therefore, direct and cumulative emissions of NO<sub>x</sub> and ROC would not exceed applicable VCAPCD thresholds.

During construction, a small amount of the particulate matter (PM) emissions would be generated in the form of fugitive dust during ground disturbance activities and in the form of equipment exhaust and re-entrained road dust from vehicle travel. Impacts from PM emissions would be small and intermittent each day of construction. However, the VCAPCD guidelines indicate these fugitive dust emissions are an important issue, and this impact would be considered **potentially significant**. The following mitigation measure has been identified to address this impact.

## **Mitigation Measure AQ-1: Best Management Practices to Reduce Fugitive Dust, Reactive Organic Compound, and Nitrogen Oxide Emissions.**

The following measures will be implemented during/following geotechnical exploration activities to the extent possible.

- The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (screened water from the District's diversion facilities) should penetrate sufficiently to minimize fugitive dust during grading activities.
- Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
  - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary.
- Graded and/or excavated inactive areas of the construction site shall be monitored by the District at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the project site that are inactive for over 4 days, as determined to be necessary and/or as part of normal District operations. For the geotechnical exploration areas that are located outside of the existing footprint of the Freeman Diversion facility and outside of the Santa Clara River channel, if no further grading or excavation operations are planned for the area, disturbed areas should be seeded with a native seed mix and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
- Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent/supervisor shall use his/her discretion in conjunction with the VCAPCD in determining when winds are excessive.
- Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with the California Division of Occupational Safety and Health regulations.
- Minimize equipment idling time
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications
- Lengthen the construction period during smog season (May-October), to minimize the number of vehicles and equipment operating at the same time

- Use alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, if feasible.

Implementation of Mitigation Measure AQ-1 would reduce PM impacts by minimizing fugitive dust from construction activities. Therefore, the impact from the project would be **less-than-significant with mitigation incorporated**.

### **#3 -c. Expose sensitive receptors to substantial pollutant concentrations?**

Some members of the population are especially sensitive to emissions of air pollutants and should be given special consideration during the evaluation of the project air quality impacts. These people include children, senior citizens, and persons with pre-existing respiratory or cardiovascular illnesses, and athletes and others who engage in frequent exercise, especially outdoors. Sensitive receptors include schools, residences, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The closest sensitive receptor is a residence located approximately 0.6-mile northwest of the project site.

Transport to and from the project and use of construction equipment onsite would generate diesel PM, additionally driving along unpaved roads and ground disturbing activities would generate fugitive dust. However, emissions would be short-term and insignificant due to the small number of equipment that would be operating at any time, there are no sensitive receptors immediately adjacent to the project site that would be exposed to these air pollutants, and effects from toxic air contaminants are typically observed over long-term (many years) exposure periods. Therefore, this impact is considered **less-than-significant**.

### **#3 -d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

Human response to odors is subjective, and sensitivity to odor varies from person to person. Typically, odors are considered an annoyance rather than a health hazard. However, a person's response to odor can range from psychological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiration reaction, nausea, headaches, etc.). The proposed project would not create new objectionable odors. There would be **no impact**.



### 3.4 Biological Resources

#### #4. BIOLOGICAL RESOURCES. Would the project:

<p>#4 -a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? <b><u>Yes.</u></b></p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>
<p>#4 -b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? <b><u>Yes.</u></b></p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>
<p>#4 -c. Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? <b><u>Yes.</u></b></p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>
<p>#4 -d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? <b><u>Yes.</u></b></p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>
<p>#4 -e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>#4 -f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>

### 3.4.1 Environmental Setting

Information presented in this environmental setting is based on observations made during a biological field survey for the proposed project, review of existing biological survey and assessment documents completed for previous activities at the Freeman Diversion facility, and publicly available biological resource databases and documents on species distribution and habitat requirements. The field survey for the proposed project was conducted by a GEI biologist on January 14, 2021 and focused on evaluating potential for special-status species to occur on or adjacent to the work areas and for special-status species and sensitive habitats to be affected by geotechnical exploration activities.

#### Habitat Conditions

Elevation in the work areas ranges from approximately 150 feet above mean sea level at the Upstream and Downstream Work Areas in the Santa Clara River channel to approximately 400 feet on the hillside at Upland Work Area 3. Representative photographs of the work areas are provided in **Appendix A**.

Upland Work Area 1 and the northern portion of Upland Work Area 2 are within developed areas associated with the Freeman Diversion facility and are completely unvegetated. The southern portion of Upland Work Area 2 is sparsely vegetated, primarily with weedy, nonnative grasses and black mustard (*Brassica nigra*) and scattered blue gum (*Eucalyptus globulus*) trees. Upland Work Area 3 and the associated potential access routes are on a relatively steep hillside that supported grazed shrubland before it burned in the October 2019 Maria Fire. Based on observations made during the January 2021 field survey, no shrubs appear to have survived, and the hillside vegetation is currently dominated by early successional weedy non-native grasses and black mustard.

The Upstream and Downstream Work Areas are in the Santa Clara River channel, which is a dynamic system driven primarily by periodic short duration, high intensity flood events (Stillwater Sciences 2007). Stream flow at the Freeman Diversion facility is seasonally variable and most directly influenced by winter rainfall events (typically December-March). Flow can increase dramatically after significant storm events, and such flows typically include high sediment loads. Channel morphology and vegetation are affected primarily by large flood flows, rather than by the moderate discharges that frequently characterize channels in temperate climates. Large winter storms periodically scour out vegetation, which fills back in during periods of lower flows. These factors result in a mixture of riparian vegetation that shifts in extent, structure, and composition in response to deposition, scour, and inundation by large flood flows (Stillwater Sciences 2007).

The in-channel work areas are a mosaic of unvegetated rocky and sandy bars, arroyo willow (*Salix lasiolepis*) thicket (CNPS 2021a), and varying extents of open water, depending on the time of year and recent rainfall amounts. Arroyo willow thicket occurs upstream and downstream of the Freeman Diversion facility, though the upstream areas are generally more sparsely vegetated with young, recently recruited saplings; downstream vegetation cover is more dense and more extensive. Other portions of the channel, outside the work areas, support more developed vegetation, including late-successional riparian scrub and woodland, dominated by arroyo willow, red willow (*Salix laevigata*), sandbar willow (*Salix exigua*), and mulefat (*Baccharis*

*salicifolia*), along with nonnative giant reed (*Arundo donax*) and saltcedar (*Tamarix ramosissima*).

### **Federal and State Jurisdictional Waters and Riparian Habitat**

The Santa Clara River is a jurisdictional water of the United States and water of the state subject to regulation by the USACE and State Water Resources Control Board (SWRCB) under Sections 404 and 401 of the Clean Water Act, respectively. Based on recent consultation, the SWRCB has delegated its authority to LARWQCB for this project. The Santa Clara River channel and associated riparian vegetation also fall under CDFW jurisdiction pursuant to Section 1602 of the CFGC.

### **Special-status Species**

For purposes of this analysis, special-status species include plants and animals in one or more of the following categories:

- taxa (i.e., taxonomic categories or groups) officially listed by the state or federal government as endangered, threatened, or rare
- candidates for state or federal listing as endangered or threatened
- taxa that meet the criteria for listing, even if not currently included on any list, as described in state CEQA Guidelines CCR Section 15380
- species identified by CDFW as species of special concern
- species listed as Fully Protected under the CFGC
- plants considered by CDFW to be “rare, threatened, or endangered in California (i.e., List 1B and 2B plants)”

The California Natural Diversity Database (CNDDDB) (CDFW 2021) and the California Native Plant Society (CNPS) online Inventory of Rare and Endangered Vascular Plants of California (CNPS 2021b) were reviewed for occurrences of special-status species in the United States Geological Survey Santa Paula 7.5-minute quadrangle, within which the Freeman Diversion facility is located, and the surrounding eight quadrangles (Ojai, Santa Paula Peak, Fillmore, Saticoy, Moorpark, Oxnard, Camarillo, and Newbury Park). United reports observation of special-status species to the CNDDDB annually; however, not all observations have been added to the database. A list of federally listed species and designated critical habitat that could be affected by geotechnical exploration activities was obtained from the USFWS Information for Planning and Conservation website (USFWS 2020). The CNDDDB, CNPS, and USFWS species lists are provided in **Appendix B** (Note: Not all species tracked in the CNDDDB and CNPS inventory and included on species lists meet the definition of special-status species described above.)

A preliminary list of special-status plant, fish, and wildlife taxa to be evaluated for potential to occur in or adjacent to the work areas was developed based on information from previous surveys and assessments, information on species habitat requirements and current distribution, CNDDDB species and occurrence information, and the USFWS species list. **Table 3-4** provides information on special-status taxa that were determined to have potential to occur in or adjacent to the work

areas, based on current distribution, known occurrences, habitat and microhabitat requirements, and observations made during the 2021 field survey. These species are discussed further below.

Species eliminated from consideration and not discussed further include those whose current range does not include the project vicinity and those with habitat requirements that are not supported by the work areas. For example, plants, invertebrates, and amphibians that are restricted to vernal pools and other aquatic habitat absent from the work areas and birds and mammals that are restricted to coastal scrub, chaparral, and other upland scrub and woodland habitats are not discussed. In addition, riparian-nesting special-status birds that have not been documented during annual nesting bird surveys also are not addressed because they are known to be absent from the work areas.

Santa Ana sucker (*Catostomus santaanae*) is not included in the federal listing (USFWS 2017) or any state listings of special-status species and therefore is not considered a special-status species based on the definition provided above. However, because CDFW considers Santa Ana sucker a locally significant native fish species in the Santa Clara River, it is specifically addressed in this document.

**Table 3-4. Special-status Species with Potential to Occur in or Adjacent to the Work Areas**

Species	Status <sup>1</sup>		Habitat Associations	Potential to Occur on or Adjacent to Work Areas
	Federal	State		
<b>Plants</b>				
white rabbit-tobacco <i>Pseudognaphalium leucocephalum</i>	–	2B.2	Sandy, gravelly soils in chaparral, cismontane woodland, coastal scrub, and riparian woodland	Moderate; arroyo willow thicket provides marginally suitable habitat, and occurrences are known from the project vicinity.
<b>Fish</b>				
arroyo chub <i>Gila orcuttii</i>	–	SSC	Coastal streams, typically with slow-moving water and mud or sand substrate	High; an introduced population occurs in the Santa Clara River.
steelhead (southern California distinct population segment [DPS]) <i>Oncorhynchus mykiss</i>	E	SSC	Anadromous; coastal streams from the Santa Maria River system south to the Mexico border	High; adults and juveniles migrate through the project area and occur at the Freeman Diversion facility.
Pacific lamprey <i>Entosphenus tridentatus</i>	–	SSC	Anadromous; coastal streams along the Pacific coast, south to Los Angeles County	Moderate; adults and juveniles migrate through the project area and are now occasionally observed at the Freeman Diversion facility.
<b>Reptiles</b>				
southern California legless lizard <i>Anniella stebbinsi</i> and California legless lizard <i>Anniella</i> spp.	–	SSC	Variety of habitats, generally in moist, loose soils	Moderate; portions of work areas provide potentially suitable habitat, and numerous occurrences are known from primarily upland locations in the project vicinity.

**Table 3-4. Special-status Species with Potential to Occur in or Adjacent to the Work Areas**

Species	Status <sup>1</sup>		Habitat Associations	Potential to Occur on or Adjacent to Work Areas
	Federal	State		
coastal whiptail <i>Aspidoscelis tigris stejnegeri</i>	–	SSC	Deserts and semi-arid areas with sparse vegetation and open areas; also found in riparian and woodland areas	Moderate; work areas provide potentially suitable habitat, and a recent occurrence is known from upland floodplain approximately 5 miles upstream.
coast horned lizard <i>Phrynosoma blainvillii</i>	–	SSC	Woodland, scrub, and grassland, most commonly along sandy washes with scattered low bushes	High; work areas provide suitable habitat, and occurrences are known from the river channel in the immediate project vicinity.
two-striped garter snake <i>Thamnophis hammondi</i>	–	SSC	Streams, creeks, pools and other aquatic habitats and adjacent vegetation types	High; in-channel work areas provide suitable habitat, and occurrences are known from immediate project vicinity.
south coast garter snake <i>Thamnophis sirtalis</i>	–	SSC	Marsh and upland habitats near permanent water and riparian vegetation	Moderate; work areas provide potentially suitable habitat, and a recent occurrence is known from an upland area within 1 mile.
western pond turtle <i>Emys marmorata</i>	–	SSC	Permanent or nearly permanent water bodies; nests in sunny uplands near suitable aquatic habitat	High; in-channel work areas provide suitable habitat, and occurrences are known from immediate project vicinity.
<b>Birds</b>				
yellow-billed cuckoo (western DPS) <i>Coccyzus americanus occidentalis</i>	T	E	Deciduous riparian woodland with dense understory	Moderate; in-channel work areas provide marginally suitable habitat, and recent occurrences are known from approximately 8 miles upstream.
burrowing owl <i>Athene cunicularia</i>	–	SSC	Grassland, agricultural land, and other open habitats with natural or artificial burrows or friable soils	Low; upland work areas provide poor-quality habitat and suitable burrows are currently absent.
white-tailed kite <i>Elanus leucurus</i>	–	FP	Nests in woodlands and isolated trees and forages in grasslands, pasture, and agricultural fields	High; work areas provide suitable foraging and nesting habitat.
northern harrier <i>Circus cyaneus</i>	–	SSC	Grasslands, field crops, and marshes; nests on the ground in patches of dense, often tall, vegetation	Moderate; work areas provide marginally suitable foraging habitat but are unsuitable for nesting.
loggerhead shrike <i>Lanius ludovicianus</i>	–	SSC	Savannah, shrublands, and open woodlands with shrubs and small trees for nesting	Moderate; work areas provide marginally suitable foraging and nesting habitat.
southwestern willow flycatcher <i>Empidonax traillii extimus</i>	E	E	Dense riparian habitats, typically near surface water or saturated soil	Moderate; in-channel work areas provide marginally suitable habitat, and recent occurrences are known from approximately 1 mile downstream.

**Table 3-4. Special-status Species with Potential to Occur in or Adjacent to the Work Areas**

Species	Status <sup>1</sup>		Habitat Associations	Potential to Occur on or Adjacent to Work Areas
	Federal	State		
least Bell's vireo <i>Vireo bellii pusillus</i>	E	E	Structurally diverse riparian habitat with dense shrub layer	High; known to nest in immediate project vicinity.
yellow-breasted chat <i>Icteria virens</i>	–	SSC	Riparian habitat, typically with dense shrub layer and open tree canopy	High; known to nest in immediate project vicinity.
yellow warbler <i>Setophaga petechia</i>	–	SSC	Riparian woodland and scrub, open scrub, and second-growth woodland, primarily near water	High; known to nest in immediate project vicinity.
<b>Mammals</b>				
American badger <i>Taxidea taxus</i>	–	SSC	Dry, open areas in various habitats with friable soils and uncultivated ground	Moderate; Upland Work Area 3 provides marginally suitable habitat and occurrences are known from project vicinity.

<sup>1</sup> Status Definitions

- E = Listed as Endangered under the federal or state Endangered Species Act
- T = Listed as Threatened under the federal or state Endangered Species Act
- SSC = California Species of Special Concern
- FP = Fully protected under the California Fish and Game Code
- 2B.2 = Plant species considered rare or endangered in California but more common elsewhere; moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)

Notes: DPS = distinct population segment

Sources: CNPS 2021; CDFW 2021; GEI Consultants, Inc. data collected in 2020; Griffith Wildlife Biology 2020; Hall et al. 2020; Thomson et al. 2016; USFWS 2017, 2020; Booth 2016

**Special-status Plants**

White rabbit-tobacco (*Pseudognaphalium leucocephalum*) is a List 2B perennial herb that occurs in sandy and gravelly soils in chaparral, coastal scrub, cismontane woodland, and riparian woodland of the southwestern United States (CNPS 2021). Numerous occurrences are known from the Santa Clara River and elsewhere in southern California, including within 1 mile upstream of the work areas. Recent nearby occurrences have primarily been on open, sandy elevated river channel benches (CDFW 2021).

**Special-status and Locally Significant Fish**

Arroyo chub (*Gila orcuttii*) is a California species of special concern native to several southern California creeks and rivers and introduced to several others; the Santa Clara River population is considered introduced. Arroyo chub occur in areas of slow-moving water, typically with mud or sand substrate, though they have also been found in pools with gravel, cobble, and boulder substrates (Moyle 2015). The nearest Santa Clara River occurrence documented in the CNDDDB is near Fillmore, approximately 13 miles upstream of the Freeman Diversion facility (CDFW 2021); however, the species has been documented anecdotally in the immediate vicinity of the Freeman Diversion in recent years.

Santa Ana sucker is a freshwater fish whose historical range included rivers and larger streams in southern California but that is now restricted to only four watersheds (USFWS 2017). The Santa Clara River population was previously thought to have been introduced, but recent genetic analysis (Richmond et al. 2017) suggests it may in fact be native. However, the ESA listing does not include the Santa Clara River, and USFWS has communicated that this population is healthy and not likely to become federally listed (C. Dellith, pers. comm. 2019). To support fry, juveniles, and adults, Santa Ana sucker habitat must include riffles, runs, and pools with a range of substrates, water depths, and water velocities to provide for successful reproduction and juvenile development and growth of algae as a primary food source (USFWS 2017).

The southern California DPS of steelhead (*Oncorhynchus mykiss*) is federally listed as endangered and a California species of special concern. Adult steelhead typically migrate upstream when stream flows rise during winter storm events (Moyle 2002) and after sandbars at the mouths of the rivers breach (Shapovalov and Taft 1954). The upstream and downstream steelhead migration season is typically considered to be January to June. Depending on rainfall, upstream migration and spawning occurs in winter and early spring, typically from January through March, in most southern California streams. Upstream migrant adults and downstream migrant smolts and kelts have been recorded at the Freeman Diversion facility. Sixteen adult steelhead were observed at the Freeman Diversion facility between 1993 and 2014. All adults, including downstream migrant kelts, were observed in March and April (Booth 2016). In 2020, for the first time since 2012, two adult steelhead were observed in March leaping over the false weir and activating motion-sensor cameras after ascending the Denil fish ladder at the Freeman Diversion. Smolts are typically observed at the Freeman Diversion facility between early March and late May but have been observed as late as mid-July (Booth 2016). In the past, the District operated a downstream migrant fish trap, allowing for the collection of data related to the timing and abundance of smolt migration; however, due to requirements imposed by NMFS, the fish trap has not been operated since April 2014. The in-channel work areas are within designated critical habitat for the southern California DPS and support at least one of the physical or biological features that constitute critical habitat.

Pacific lamprey (*Entosphenus tridentata*) is an anadromous, widely distributed California species of special concern that has declined severely in southern California (Goodman and Reid 2012). Most adult spawning migrations occur between March and late June (Moyle et al. 2015), with peak migration into the Santa Clara River typically occurring in May. Historical records of Pacific lamprey in the Santa Clara River include numerous observations of migrating adults and downstream migrant juveniles and larvae at the Freeman Diversion facility. The Santa Clara River supported the last substantial population in the region, but recent observations have been very limited. The most recent lamprey observations have been a single juvenile in 2006 (Goodman and Reid 2012) and a spawned out adult female in the fish screen bay in April 2017 (UWCD unpublished data).

### **Special-status Reptiles**

Southern California legless lizard (*Anniella stebbinsi*) and *Anniella* not yet assigned to new species within the *Anniella pulchra* complex are California species of special concern that occur in a variety of sparsely vegetated habitats, including coastal dunes, grasslands, chaparral, and riparian.

Microhabitat requirements include sandy or loose, loamy soils, and high soil moisture may be a key factor (Thomson et al. 2016). Numerous occurrences of legless lizard have been documented in a variety of habitats in the project vicinity, although none of the recent occurrences are from the Santa Clara River corridor (CDFW 2021).

Coastal whiptail (*Aspidoscelis tigris stejnegeri*) is a California species of special concern whose distribution is limited to southern California and northern Baja California. This taxon occurs in a variety of habitats, including coastal scrub, chaparral, riparian, and woodlands. Preferred habitat may be brushy areas in sandy and gravelly washes, but gravelly chaparral and coastal scrub are also used (Thomson et al. 2016). One occurrence is known from upland floodplain habitat approximately 5 miles upstream of the Freeman Diversion facility (CDFW 2021).

Coast horned lizard (*Phrynosoma blainvillii*) is a California species of special concern with a broad coastal and inland distribution. This species occurs in a wide variety of habitats, such as chaparral, sage scrub, annual grassland, and oak and riparian woodland but has narrow microhabitat preferences and requires loose, fine sand for burrowing, open areas for thermoregulation, and shrub cover for refugia (Thomson et al. 2016). The Santa Clara River channel and adjacent uplands provide suitable habitat for coast horned lizard, and individuals have been documented upstream and downstream of the Freeman Diversion facility, including within 0.5 mile (CDFW 2021).

Two-striped garter snake (*Thamnophis hammondi*) is a California species of special concern that occurs in coastal and inland foothills and mountains of southern and central California. This species is primarily aquatic and typically found in or near streams, creeks, and pools; associated vegetation types include willow, oak woodland, coastal sage scrub, chaparral, and coniferous woodland (Thomson et al. 2016). The Santa Clara River channel and adjacent uplands provide suitable habitat for two-striped garter snake, and individuals have been documented in and around the Freeman Diversion facility and within 5 miles upstream of the Freeman Diversion facility (CDFW 2021).

South coast garter snake is a distinct taxon of common garter snake (*Thamnophis sirtalis*) designated as a California species of special concern and thought to be limited to several disjunct extant populations in southern California. This taxon is thought to be restricted to marsh and upland habitats near permanent water and riparian vegetation (Thomson et al. 2016). An individual was recently documented in a California sagebrush (*Artemisia californica*) and grassland area immediately north of the Santa Clara River channel, less than a mile northeast of the Freeman Diversion facility (CDFW 2021).

Western pond turtle (*Emys marmorata*) is a California species of special concern that occurs in a broad range of aquatic habitats. These turtles can temporarily use semipermanent or ephemeral water bodies, though preferred aquatic habitat is deep, still, or slow-moving water with underwater refugia. Structures such as logs, rocks, bedrock outcrops, and exposed banks are required for basking (Ashton et al. 1997). Pond turtles also require upland habitat that is suitable for nesting and overwintering; nesting soils must be loose enough for excavation (Thomson et al. 2016). The Santa Clara River channel and adjacent uplands provide suitable wintering and nesting habitat for western pond turtle. More than 10 to 20 individuals at a time have been observed throughout the



spring and summer months, immediately upstream and downstream of the Freeman Diversion facility. Individuals are also occasionally encountered in the fish trap and fish bay.

### **Special-status Birds**

The western DPS of yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a federally threatened and state endangered breeding migrant that nests in deciduous riparian woodlands with a dense understory near water (Wiggins 2005). Because nests are constructed generally in willow (*Salix* spp.), but foraging occurs in cottonwood (*Populus* spp.) canopy, this subspecies require multi-story structure (Laymon and Halterman 1987). Yellow-billed cuckoo was detected during focused surveys conducted in 2018 and 2019 approximately 8 miles upstream of the Freeman Diversion facility (Hall et al. 2020) in an area that supports more than 200 acres of high-quality, dense riparian woodland habitat. Despite these cuckoo detections and abundant and accessible food resources, no nesting behavior, nests, or fledglings were observed. Therefore, it was concluded that an actively breeding population may not have been present (Hall et al. 2020). The District has conducted annual protocol surveys for federally listed birds, including yellow-billed cuckoo, upstream and downstream of the Freeman Diversion facility since 2012. Although habitat along the Freeman Diversion facility reach of the river has been identified as suitable habitat for yellow-billed cuckoo, no individuals have been documented during the District surveys. The work areas provide relatively poor-quality habitat, because vegetation is dominated by young arroyo willow and lacks structural vegetation diversity present in nearby portions of the channel and upstream habitat where individuals have been documented.

Burrowing owl (*Athene cunicularia*) is a California species of special concern that prefers relatively flat, open, dry habitats. It is primarily a grassland species but can thrive in some landscapes that are highly altered by human activity if suitable burrows for roosting and nesting and short vegetation are present. Burrowing owls typically nest and roost in burrow systems created by medium-sized mammals or in artificial features (e.g., drainpipes and culverts) (Gervais et al. 2008). An individual was recently documented on the north side of the river, within 1 mile upstream of the project site. Habitat in and adjacent to the work areas, however, is of relatively poor quality. No suitable artificial burrows were observed in the developed areas, and no natural burrows were observed in the undeveloped areas during the January 14, 2021 field survey. In addition, the relatively steep slopes in Upland Work Area 3 provides poor-quality habitat for this species that prefers flat or gently rolling habitat.

White-tailed kite (*Elanus leucurus*) is fully protected under the CFGC. This species occurs in virtually all California lowlands. White-tailed kite nests in trees in lowland grasslands, agricultural areas, wetlands, oak woodland and savanna, and riparian areas with nearby open habitats (Moore 2000). They forage in grasslands, pasture, and some agricultural crops. Undeveloped upland portions of the project site provide suitable nesting habitat for white-tailed kite, and blue gum trees in Upland Work Area 2 provide potential nest sites.

Northern harrier (*Circus cyaneus*) is a California species of special concern that occurs primarily in lowlands of the state. This species nests and forages in a variety of open habitats, including marsh, wet meadows, borders of lakes, rivers, and streams, grasslands, weedy fields, and some

agricultural crops. Nest are built on the ground in dense, often tall vegetation in relatively undisturbed areas (Davis and Niemla 2008). The work areas provide marginally suitable foraging habitat for northern harrier, but suitable nesting habitat is absent.

Loggerhead shrike (*Lanius ludovicianus*) is a California species of special concern that inhabits lowland and foothill areas with scattered shrubs and trees throughout most of California. On the coastal slope, loggerhead shrikes occur in chaparral, oak woodland, or oak savannah (Humble 2008). The project site provides marginally suitable foraging and nesting habitat for this species.

Southwestern willow flycatcher (*Empidonax trailii extimus*) is a state and federally endangered breeding migrant that nests in dense riparian habitats, typically near surface water or saturated soil (Sogge et al. 2020). In 2016 and 2017, protocol surveys documented a southwestern willow flycatcher pair nesting near Ellsworth Barranca, approximately 1 mile downstream of the Freeman Diversion facility. This pair successfully fledged offspring in each of these years but was not detected in 2018, 2019, or 2020. A single territorial female was detected in 2018 at the same nesting site, but no male was detected, and no breeding or nesting was observed (Griffith Wildlife Biology 2020). In addition, only migrant willow flycatchers were documented elsewhere along the Santa Clara River during other focused surveys in 2018 and 2019 (Hall et al. 2020). As with yellow-billed cuckoo, the Freeman Diversion facility reach of the river provides suitable habitat for southwestern willow flycatcher, but habitat in the work areas is of marginal quality for nesting, and the species is unlikely to nest in or immediately adjacent to the area. The in-channel work areas are within designated critical habitat for southwestern willow flycatcher and support the primary constituent elements that constitute critical habitat.

Least Bell's vireo (*Vireo bellii pusillus*) is a state and federally endangered breeding migrant that is largely associated with early successional riparian scrub and woodland with a developed canopy layer and dense shrub layer. Preferred habitat is typically dominated by willow (*Salix* spp.), mulefat (*Baccharis* spp.), and Fremont cottonwood (*Populus fremontii*). Protocol surveys have documented numerous least Bell's vireo territories and nests in 2012 through 2020. The number of documented least Bell's vireo territories has generally increased each year through 2018, with a slight drop (7%) in 2019, followed by a 20 percent increase in 2020 (Griffith Wildlife Biology 2020). In 2020, male least Bell's vireo territories were located approximately 200 feet from the edge of the Upstream Work Area and immediately adjacent to the Downstream Work Areas boundaries and approximately 200 to 300 feet from the nearest proposed boring locations.

Yellow warbler (*Setophaga petechia*) and yellow-breasted chat (*Icteria virens*) are breeding migrant California species of special concern that nest in riparian habitat. Yellow warblers generally occupy riparian vegetation in close proximity to water along streams and in wet meadows (Heath 2008). Chats occur in blackberry, wild grape, and other typically riparian vegetation that forms dense thickets and tangle (Comrack 2008). Numerous territorial singing males of both species are present each breeding season in the vicinity of the Freeman Diversion facility (Griffith Wildlife Biology 2020).

### ***Special-status Mammals***

American badger is a California species of special concern that occurs in a variety of habitats but is most abundant in grassland and dry, open shrubland and forest with friable soils for burrowing (CDFW 2021). Badgers can use marginal habitat (e.g. agriculture, residential areas, roadsides) at the edge of intact habitat patches, but they do not appear to persist in fragmented habitat (Quinn 2008). Potential evidence of badger (i.e., distinctive diggings) was documented in 2008 at two locations along the ridgeline southwest of the project site, approximately 0.5 to 1 mile from Upland Work Area 3 (CDFW 2021), and badgers occasionally forage in the District recharge basins 2 to 3 miles southwest of the Freeman Diversion facility.

### **3.4.2 Discussion**

#### **#4 -a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service?**

One special-status plant species and 19 special-status wildlife species were identified as having potential to occur in or adjacent to the work areas, as discussed above in this section. Potential for geotechnical exploration activities to impact these species is discussed below.

### **Special-status Plants**

The Upstream and Downstream Work Areas provide suitable habitat for the perennial herb white rabbit-tobacco, although nearby documented occurrences have different microhabitat conditions from the project site and the species has not been previously identified on or in the immediate vicinity of the project site. Disturbance within the in-channel work areas is anticipated to be limited to approximately 0.2 acre of potentially suitable habitat in which boring equipment and associated vehicles would operate. This represents a very small fraction of suitable habitat in the Santa Clara River channel, which includes an approximately 1.5-mile channel reach beginning approximately 0.75 mile upstream of the project site, where more than 700 white rabbit-tobacco plants were documented in 2018 (CDFW 2021). There would be no permanent habitat loss, and potential impacts would be limited to short-term, vehicle-related disturbance. In addition, equipment would be washed before accessing work areas in the river channel, thereby minimizing the introduction or spread of nonnative invasive species that could degrade habitat quality. Therefore, conducting the geotechnical explorations is very unlikely to have a substantial adverse effect on the local population of white rabbit-tobacco, if individuals occur in the work areas, and this impact would be **less than significant**.

### **Special-status and Locally Significant Fish**

Potential for direct effects on steelhead and Pacific lamprey would be avoided primarily by conducting in-channel borings outside the migration season for these species. In addition, lamprey numbers in the vicinity of the Freeman Diversion facility appear to have declined substantially in the past 20 years, and the species is very unlikely to be present in the vicinity when borings occur. Arroyo chub and Santa Ana sucker are also unlikely to be present, because in-channel borings

would occur at the end of the dry season, when little, if any habitat is present. However, there is a small potential for arroyo chub, Santa Ana sucker, and juvenile steelhead to be present, if open water occurs in the in-channel work areas or access routes. If present, individuals could be directly impacted during flow re-routing or dewatering, if necessary, to complete the borings.

Designated critical habitat for steelhead could be indirectly impacted by boring activities. Up to approximately 0.05-acre of arroyo willow thicket could require trimming/cutting to allow equipment access to in-channel boring locations. Based on January 2021 field observations, this vegetation would primarily be limited to recently recruited saplings. An additional approximately 0.15 acre of the channel would be temporarily impacted by equipment access to the boring locations. However, access would primarily occur along existing sparsely vegetated in-channel routes, and disturbance outside of existing access routes would be limited to driving over the ground surface (no grading). These habitat effects are anticipated to be short-term, likely only a single steelhead migration season. Because the Santa Clara River is a dynamic system subject to a regular disturbance regime, instream habitat features are altered each year by winter flows, often substantially. Therefore, the very small amount of potential short-term, temporary adverse effects to in-channel vegetation would have a minor effect on steelhead, Pacific lamprey, Santa Ana sucker, and arroyo chub habitat.

Equipment operation in and adjacent to the river channel could result in additional indirect effects. Measures would be implemented to minimize potential for equipment operation in the channel to introduce or spread of nonnative invasive species that could degrade habitat quality. However, if equipment is not properly maintained and inspected, or equipment refueling is not properly conducted, accidental leaks of hazardous materials (e.g., fuel, oil, other fluids) could occur directly in the channel or be transported into the channel via runoff. Exposure to such materials can result in adverse behavioral responses and sublethal and lethal effects in affected fish, depending on the exposure level. Potential direct impacts to steelhead, if present in the work areas, and potential indirect impacts associated with habitat degradation could have a substantial adverse effect on the southern California steelhead due to the status of the population in the Santa Clara River, and this impact would be **potentially significant**. Potential direct and indirect impacts to Pacific lamprey, Santa Ana sucker, and arroyo chub, if present in the work areas, could also result in an adverse effect to these species; however, based on their known status in the Santa Clara River, these effects are not likely to be substantial. The following mitigation measure has been identified to address these direct and indirect impacts and avoid adverse effects to special-status and locally significant fish. While focused largely on measures to protect steelhead, the mitigation measure also includes actions to protect Pacific lamprey, Santa Ana sucker, and arroyo chub, if present.

#### **Mitigation Measure BIO-1: Implement Measures to Minimize Potential for Direct Impacts on Steelhead and Steelhead Habitat.**

To minimize potential direct effects of geotechnical explorations on steelhead and its habitat, the District will ensure that the following measures are implemented:

- Heavy equipment operation will be limited to the minimum area necessary. Work area boundaries will be clearly identified before investigations begin, and no work will

occur outside these work areas unless approved by the District Environmental Scientist responsible for permit compliance. All boundary markers will be removed immediately after work in a given area is complete.

- Before entering the site, all equipment will be washed at a location designated by the District Environmental Scientist responsible for permit compliance to ensure equipment is free of mud, algae, snails, and other debris. All equipment will be inspected before leaving the site to ensure it is free of mud and other debris that could contain invasive species.
- If an in-channel boring location is vegetated and vegetation removal is not covered by the existing Freeman Diversion Maintenance Project authorizations, the boring will be moved to an alternate location that does not require vegetation trimming/cutting, if feasible. If an appropriate alternative location that would provide the necessary geotechnical data and avoid vegetation trimming/cutting is not available, vegetation impacts will be limited to trimming/cutting the minimum area and extent required to allow access. Vegetation may be cut to near ground level, but complete removal will not occur. Cut vegetation will be immediately removed from and deposited where it cannot re-enter the channel.
- If areas not covered by the existing Freeman Diversion Maintenance Project authorizations require flow rerouting or dewatering to access boring locations in the Upstream or Downstream Work Area, surveys will be conducted before flow rerouting or dewatering begin in an effort to identify steelhead and other native fish. Relevant areas will be surveyed by two or more biologists/technicians knowledgeable and experienced in steelhead and other native fish identification and ecology. Survey methods may include bank observations and snorkeling. Snorkeling will be conducted when water depth (e.g., >1 foot) or in-channel complexity (e.g., woody debris or riprap) causes bank observations to be ineffective. If conditions are not conducive for confidently surveying the work area for steelhead presence, activities in the affected area will be postponed until such conditions exist or alternate means of access (e.g., crane) will be employed. If steelhead are observed, flow rerouting and/or dewatering in occupied areas will not occur, and the affected boring(s) will be relocated as necessary. If steelhead are not observed, a biologist knowledgeable and experienced in steelhead identification and ecology will be on the site during flow rerouting and/or dewatering to exclude native fish and confirm steelhead do not enter the flow rerouting/dewatering area. Pacific lamprey ammocoetes found present in the flow rerouting/dewatering area will be collected and relocated to adjacent suitable habitat.
- All project work will cease if a listed species is observed in the work areas until the individual(s) leaves on its own accord, or until USACE completes additional consultation with USFWS and/or NMFS, as appropriate. If a listed species is observed, project personnel will notify the designated District Environmental Scientist who will be responsible for contacting the USACE as well as CDFW.
- A worker environmental awareness training will be provided by a District Environmental Scientist or qualified biologist to all workers before they are allowed access to work areas. A record of trained personnel will be kept by the District Environmental Scientist responsible for permit compliance. The training and associated handout will include contact information for the District Environmental Scientist; a description of required avoidance and minimization measures; information on sensitive

species; instructions on correct techniques and procedures for working within the river channel and associated riparian vegetation; instructions to notify the foreman and the District Environmental Scientist in case of a hazardous material spill or equipment leak or upon the discovery of soil or groundwater contamination; instructions to notify the foreman and the District Environmental Scientist if a sensitive species is observed; and instructions that noncompliance with any laws, rules, regulations, or conservation measures could result in a worker being barred from participating in any remaining geotechnical investigations.

Implementation of Mitigation Measure BIO-1 would avoid and minimize direct impacts by establishing work area boundaries, not allowing any work outside of these areas, avoiding introduction or spread of nonnative invasive species, minimizing vegetation removal/trimming, conducting surveys for steelhead and other native fish prior to dewatering or water diversion, and conducting worker environmental training. Overall, through implementation of this mitigation measure, direct impacts to steelhead would be avoided by ensuring in-channel activities only occur if boring locations and any potential flow re-routing or dewatering areas are free of steelhead, while also avoiding direct impacts to Pacific lamprey, Santa Ana sucker, and arroyo chub to the extent practicable. Further, implementation of Mitigation Measures AQ-1, GEO-1 and HAZ-1 would substantially avoid and minimize indirect impacts to special-status and locally significant fish species through the control of fugitive dust, implementation of erosion and sediment control measures, and the control of hazardous materials to avoid the potential for accidental hazardous material contamination. Therefore, potential direct and indirect impacts to special-status and locally significant fish species and their habitat would be **less than significant with mitigation incorporated**.

### **Special-status Reptiles**

Geotechnical exploration activities would temporarily disturb habitat suitable for six reptile species of special concern that have moderate or high potential to occur in the work areas. This disturbance would be limited to short-term equipment and vehicle movement in a very small portion of the channel (approximately 0.2 acre); approximately 1 acre of undeveloped uplands, composed of a mixture of previously disturbed land and vegetated habitat, also would be disturbed by borings, test pits, and associated off-road access. This temporary habitat disturbance would not have a substantial adverse effect on special-status reptiles. However, equipment and vehicle movement could result in individuals being crushed. Although in-channel borings would occur after the peak nesting season for western pond turtle, unhatched eggs could still be present and potentially impacted if nests occur in the work areas. Because there is potential for individuals of special-status reptiles to be directly or indirectly impacted, and some of these species have limited distributions or are known from few locations in the region, this could result in a substantial adverse effect on local populations, and this impact would be **potentially significant**. The following mitigation measure has been identified to address this impact.

## **Mitigation Measure BIO-2: Minimize Potential for Destruction of Western Pond Turtle Nests and Injury or Death of Special-status Reptiles.**

To minimize potential direct effects of geotechnical explorations on special-status reptiles, the District will ensure that the following measures are implemented:

- Within 10 days before in-channel geotechnical exploration activities begin, a qualified biologist will conduct an initial survey for western pond turtles along the access in-channel access routes and work areas. If a pond turtle is found, it will be allowed to move out of the area on its own. If evidence of an unhatched nest is found, a no-disturbance buffer will be established and implemented around the nest until the eggs have hatched and the young have dispersed from the area.
- Immediately before geotechnical exploration activities begin in a given area, a qualified biologist will survey the anticipated disturbance and/or dewatering area for special-status reptiles. If any individuals of target species are found, they will be allowed to move out of the area on their own before equipment moves into the area. If an individual does not leave the area and the biologist determines it can be safely captured, the animal will be relocated to suitable habitat in the vicinity, from which it is unlikely to reenter the work area. Work in the area will not begin until the animal has been relocated or is thought to have left the area on its own.
- A worker environmental awareness training will be provided by a District Environmental Scientist or qualified biologist to all workers before they are allowed access to work areas. A record of trained personnel will be kept by the District Environmental Scientist responsible for permit compliance. The training and associated handout will include contact information for the Districts Environmental Scientist; a description of required avoidance and minimization measures; information on sensitive species; instructions on correct techniques and procedures for working within the river channel and associated riparian vegetation; instructions to notify the foreman and District Environmental Scientist in case of a hazardous material spill or equipment leak or upon the discovery of soil or groundwater contamination; instructions to notify the foreman and District Environmental Scientist if a sensitive species is observed; and instructions that noncompliance with any laws, rules, regulations, or conservation measures could result in a worker being barred from participating in any remaining geotechnical investigations.
- If a pond turtle or other possible special-status reptile is discovered in a work area during geotechnical exploration activities, it will be allowed to move out of the area on its own. If the individual does not leave the work area, the District Environmental Scientist will be notified, and a qualified biologist will attempt to safely capture and relocate the animal to suitable habitat in the vicinity, from which it is unlikely to reenter the work area. Work in the area will not resume until the animal has been relocated or is thought to have left the area on its own.

Implementation of Mitigation Measures BIO-2 would reduce this impact by conducting surveys prior to geotechnical activities, conducting workers environmental training, and allowing special-status reptiles found in the work areas to move out of the area on their own. Further, implementation of Mitigation Measure BIO-1 would also minimize direct impacts to special-status reptiles by establishing work area boundaries, not allowing any work outside of these areas,

avoiding introduction or spread of nonnative invasive species, minimizing vegetation removal/trimming, and conducting worker environmental training. The implementation of Mitigation Measures AQ-1, GEO-1 and HAZ-1 would substantially avoid and minimize indirect impacts to special-status fish species through the control of fugitive dust, implementation of erosion and sediment control measures, and the control of hazardous materials to avoid the potential for accidental hazardous material contamination. Therefore, potential direct and indirect impacts to special-status reptile species and their habitat would be **less than significant with mitigation incorporated**.

### **Special-status Birds**

Nine special-status bird species have low to high potential to occur in the work areas. Because all geotechnical exploration activities would occur outside the nesting season, there would be no adverse effects on active nests of these species. Burrowing owl is not anticipated to occur in or adjacent to the work areas, because habitat for this species is poor, and no suitable natural or artificial burrows are present.

Special status birds will not be in the area (i.e., will have embarked on their southward migration) when project activities result in temporary disturbance to vegetation. The area where project activities are proposed is within the active channel of the Santa Clara River, which is normally subject to a natural cycle of disturbance (i.e., habitat-type conversion and vegetation successional stage reset) due to flood flows. The proposed project activities would result in temporary disturbance to existing foraging habitat for special-status riparian birds; however, no type conversion will occur.

As described above under the special-status fish impact discussion, riparian vegetation trimming/cutting to allow equipment access to in-channel boring locations would be limited to a maximum of approximately 0.05 acre of primarily recently recruited saplings. This very small amount of potential short-term, temporary adverse effects to in-channel vegetation would have a minor effect on habitat for riparian special-status birds, including critical habitat for southwestern willow flycatcher. However, temporarily disturbed vegetation is expected to quickly recolonize disturbed areas following project activities, fully restoring the ecological function of these areas by the time special status riparian birds are returning to the area to nest and forage (i.e., subsequent spring). Impacts on upland vegetation would be limited primarily to nonnative ground cover because geotechnical exploration activities would occur in developed and recently burned areas in which native vegetation is currently nearly absent. If tree trimming is required to facilitate access to some boring and test pit locations, it is anticipated to be limited to blue gum trees. These minor habitat-related impacts would not have a substantial adverse effect on special-status birds, and this impact would be **less than significant**.

### **Special-status Mammals**

Based on regular disturbance at the Freeman Diversion facility facilities and marginal quality of habitat in the upland work areas, American badger is unlikely to den on or immediately adjacent to the work areas. More remote areas in the hills and canyons to the south where apparent badger diggings have been observed provide much higher-quality habitat and are more likely to support



active dens. Movement of project equipment and support vehicles would adhere to established speed limits along the District access routes, and travel speeds in the work areas would be very slow. Therefore, potential for a badger moving through the work area or along access routes to be struck by project-related traffic is extremely low. Therefore, impacts on American badger would be **less than significant**.

**#4 -b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?**

The Santa Clara River channel and associated riparian vegetation are protected under the CFGC. In addition, the river channel is designated critical habitat for steelhead and southwestern willow flycatcher. Up to a maximum of approximately 0.05 acre of arroyo willow thicket could require trimming/cutting to allow equipment access to in-channel boring locations. Based on January 2021 field observations, this vegetation would primarily be limited to recently recruited saplings. These habitat effects are anticipated to be very short-term because the Santa Clara River is a dynamic system subject to a regular disturbance regime, and instream habitat features are altered each year by winter flows, often substantially. Therefore, the very small amount of potential short-term, temporary adverse effects to in-channel vegetation associated with conducting the geotechnical explorations would not have a substantial adverse effect on riparian habitat or designated critical habitat in this portion of the river channel. This impact would be **less than significant**.

**#4 -c. Have a substantial adverse effect on state- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The Santa Clara River is state- and federally protected water. Disturbance of the river channel would be limited to conducting borings and associated equipment and support vehicle access. Disturbance within the in-channel work areas and access routes is anticipated to be limited to approximately 0.2 acre in which boring equipment and associated vehicles would operate. However, most of this disturbance would occur along existing in-channel routes, and disturbance outside of existing access routes would be limited to driving over the ground surface (no grading). In-channel borings would be conducted in the fall, when water levels are at their lowest, and inundated areas would be avoided to the maximum extent practicable. However, if necessary, boring locations and access routes would be dewatered as described above under the special-status fish impact discussion. Therefore, potential for temporary increases in turbidity and other water quality degradation would be minimized. There would be no permanent impact on waters, and temporary impacts would be limited to short-term disturbance associated with equipment and potentially dewatering. This would not result in a substantial adverse effect on state- or federally protected waters. Therefore, this impact would be **less than significant**. In addition, appropriate authorizations would be obtained from USACE and SWRCB, as needed, and all conditions of these permits would be met.

**#4 -d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

The Santa Clara River and adjacent undeveloped habitat provides a corridor and/or primary route for fish and wildlife migration and movement, including at the project site. Note that the Santa Clara River is identified in County Ordinance 4537, Habitat Connectivity and Wildlife Corridors, as a mapped wildlife corridor. Under the County Ordinance, vegetation modification associated with the project would be exempt from a discretionary permit (see Section 8109-4.8.3.2). In-channel borings would occur when the river channel is primarily dry, including from dewatering, if necessary, and would avoid anadromous fish migration periods. Geotechnical exploration activities also would not occur during the bird nesting season. In addition, activities would be conducted sequentially and limited to a very small proportion of the river corridor or adjacent upland area at any one time. This would not interfere substantially with fish or wildlife movement or corridor use during the day, and no activities would occur at night. For these reasons, impacts on fish and wildlife migration, movement, and nursery site use would be **less than significant**.

**#4 -e and f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The *Conservation and Open Space Element of the Ventura County 2040 General Plan* (County of Ventura 2020) includes goals and policies designed to identify, preserve, protect, and restore sensitive biological resources and their supporting habitats, wetland and riparian habitats, coastal habitats, habitat connectivity and wildlife corridors, and habitats and species identified as “locally important” by the County. Geotechnical explorations would result in only minor, temporary impacts on some of these resources and would not conflict with goals or policies of the Conservation and Open Space Element. In addition, there are no approved Habitat Conservation Plans or Natural Community Conservation Plans within Ventura County. Therefore, there would be **no impact** related to these issues.

### 3.5 Cultural Resources

#### #5. CULTURAL RESOURCES. Would the project:

#5 -a. Cause a substantial adverse change in the significance of a historical resource pursuant to CCR Section 15064.5?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#5 -b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CCR Section 15064.5?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#5 -c. Disturb any human remains, including remains interred outside of dedicated cemeteries?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.

#### 3.5.1 Environmental Setting

The Freeman Diversion facility is located on the Santa Clara River, approximately 4 miles southwest of the city of Santa Paula, Ventura County, California, and is situated on the southeastern boarder of the “Santa Paula Y Saticoy Rancho” Section of Township 3 North and Range 21 West (on the San Bernardino Meridian).

Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historic, architectural, archaeological, cultural, or scientific importance. The following is a regional culture history that emphasizes historical patterns that had the potential of creating cultural resources within the project site. The culture history comes from *California Prehistory: Colonization Culture and Complexity* (Glassow et al. 2007:191-214).

*The Paleo-Indian Period* (11,000 to 7,000 Calibrated [Cal.] B.C.) of the larger region left some of the earliest evidence for humans in California; including Clovis-style spearheads, radiocarbon dated human remains, and archaeological sites dating to between 8,000 and 7,000 cal. B.C. The *Early Period* (~7,000 to 2,000 cal B.C.) began with the Millingstone Horizon, which is identified by millingstones and stone manos, a diversity of flaked-stone tools, complete *Olivella* sp. shell-beads, and pit houses located on the high-ground near rivers. During the later Early Period millingstones became more elaborate, corner-notched spearheads appeared, villages became larger, and more bead types were made. Some cultural patterns of the ethnographically described Chumash emerged during the *Middle Period* (2,000 to A.D. 1,100), including stylized mortars and pestles, circular shell fishhooks, notched net-weights, and the use of asphaltum to make spears, baskets, and other tools. During the second half of the Middle Period both the distinctive *tomol* plank-canoe and the bow and arrow were developed, and the diversity of *Olivella* sp. beads

increased. Throughout the Middle Period the population continued to grow, with villages becoming larger and more permanent, with some locations occupied until the historic-era. Also, during this period, craftsmanship became more sophisticated, there was greater social stratification, and regional trade networks emerged. Most of these patterns continued into the *Late Period* (A.D. 1,100 to circa 1800), and by A.D. 1300 the historic-era cultural elements of Chumash society had largely been developed.

The project site is in the ethnographic territory of the Ventureño Chumash and is near the former village of *Śatikuy* (present day Saticoy). Settlements were composed of several communal houses, store houses, sweat lodges, and a village cemetery. Within Chumash society, wealth, *tomol* canoes, and social status were inherited along patrilineal lines. The power of the chief, however, was limited to leading ceremonies and war parties, and was subject to approval by all within a village.

The historic-era began with the arrival of Spanish explores between 1542 and 1769, with European settlement in Ventura County truly beginning in 1782 when Mission San Buenaventura was established. Shortly after the mission was founded, farms and ranches were established throughout the region (Santa Paula Chamber of Commerce 2021), including Rancho Santa Paula Y Saticoy where the project site is located. Between 1843 and the late 19<sup>th</sup> century farming and ranching remained the major industries of the Santa Clara Valley, though minimal oil exploration began in the 1860s. During the second half of the 19<sup>th</sup> century severe droughts hindered farming and ranching operations, and insufficient transportation lines prevented further development of the area (County of Ventura 2000:9-10). In the 1870s water companies formed and started to build irrigation infrastructure, and in 1887 the Southern Pacific Railroad was built through the Santa Clara Valley. Irrigation systems and the railroad together allowed agriculture to become profitable in the valley and the oil industry to expand. Grain crops were replaced with walnut, olive, apricot, and citrus orchards over the next few decades; and the population and communities of the Santa Clara Valley grew dramatically over after this time (San Buenaventura Research Associates 1996:3-4). As part of this growth, and the continued focus on conserving water in the region, the Santa Clara Water Conservation District was established in 1927, and became the District in 1950. The Freeman Diversion facility was constructed in 1991.

## **Methods and Findings**

The cultural resources investigations carried out for the proposed project included a records search at the South Central Coast Information Center (SCCIC), archival research, correspondence with the Native American Heritage Commission (NAHC), and archaeological and built environment field surveys of the project area.

### ***Record Search***

In January 2021, GEI archaeologist Mathew Chouest requested an in-house records search of the area of potential effect (APE) and a surrounding 0.5-mile radius from the SCCIC; the results of the record search were received on January 22, 2021. The records search included a review of the Santa Paula USGS 7.5-minute series topographic cultural resource base map held at the SCCIC and associated records. The SCCIC cultural resource map review indicates that *no previously*

*recorded resources are within the project site, or within 0.5-mile of the Project APE (SCCIC File Number: 21965.8114).*

Two cultural resource study reports (VN-00785, -01262) cover the southeastern portion of the project site. The two reports are nearly identical, with the later report (VN-01262) being an update to the early report. The reports discuss the discovery of a scatter of shells near the project site that at first appeared to be an archaeological resource, but after an extensive identification effort, was determined to be fossilized and from long extinct shellfish species. No other archaeological resources or potential archaeological resources were identified in the reports, which cover the western portion of South Mountain.

### **Field Surveys**

An archaeological pedestrian survey of the APE was conducted by GEI archaeologist Ben Curry, PhD, Registered Professional Archaeologist, on January 14, 2021. Intensive survey methods with 3-meter transects were employed within a 30-meter-diameter area around the proposed locations of the 12 boreholes and 6 test pits. BHR-13 is on private land and was not surveyed due to not having access permission from the landowner. Reconnaissance survey methods were employed for the access routes, seismic refraction transect path, and the remainder of the work areas. The portions of access routes and seismic refraction transect paths near BHR-13 were also not surveyed due to not having access to the neighboring private land.

A piece of shell and two pieces of possible lithic debitage were identified near BHR-5, however, the shell appeared to be fossilized and is likely of similar origin as those documented in earlier archaeological surveys, and the possible lithic debitage likely resulted from a fire in 2019 or previous access route construction and do not appear cultural or associated with a larger archaeological resource. No other archaeological or historic-era built environment resources were identified during the pedestrian survey.

### **3.5.2 Discussion**

#### **a, b) Cause a substantial adverse change in the significance of a historical resource pursuant to in CCR Section 15064.5? Cause a substantial adverse change in the significance of an archaeological resource pursuant to CCR Section 15064.5?**

Under CEQA, public agencies must consider the effects of their actions on “historical resources.” CEQA defines an “historical resource” as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California Historical Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (California PRC Section 5024.1, 14 CCR Section 4850). The

eligibility criteria for listing in the CRHR are similar to those for NRHP listing but focus on importance of the resources to California history and heritage.

A cultural resource may be eligible for listing in the CRHR if it:

1. is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
2. is associated with the lives of persons important in our past
3. embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual or possesses high artistic values
4. or has yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting one or more of the above criteria, resources eligible for listing in the CRHR must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regards to the retention of location, design, setting, materials, workmanship, feeling, and association (OHP 1999).

No previously recorded archaeological resources of 50-years old or older built environment resources are present within the project site or within 0.5-mile of the project site, and no built environment resources were discovered during the pedestrian survey. A piece of shell and two potential lithic debitage flakes were identified in the southern portion of the project site, but these items are likely not cultural related materials and do not appear associated with an archaeological resource. No other archaeological resources or potential archaeological resources were identified during the pedestrian survey. However, the project site is located along the Santa Clara River, which on a regional level is the location of several known historic-era Native American villages and prehistoric archeological sites. Native American villages and archaeological sites in the broader area are typically located on high ground along rivers. The overall project site setting, in an active river channel and on a river bank at the foot of a steep hillside, makes it very unlikely that a previously unknown buried archaeological resource meeting CRHR significance criteria would be in this location, but there remains a small possibility that a buried resource could be encountered during project-related ground-disturbing activities. If this were to occur, then this impact would be considered **potentially significant**. The following mitigation measure has been identified to address this impact.

**Mitigation Measure CR-1: Address Previously Undiscovered Historic Resources, Archaeological Resources, and Tribal Cultural Resources.**

If cultural resources are identified during Project-related ground-disturbing activities, all ground disturbing work in the immediate vicinity of the find should cease immediately and the District should be notified. In the event of an inadvertent discovery, the District will retain a qualified archaeologist to assess the significance of the find, make a preliminary determination, and if appropriate, provide recommendations for a treatment. Any treatment

plan should be reviewed by the District and appropriate permitting agencies prior to implementation. Ground-disturbing activities should not resume near the find until the treatment, if any is recommended, is complete or the qualified archaeologist determines the find is not significant.

Implementing Mitigation Measure CR-1 would reduce this impact because the find would be assessed by an archaeologist and the treatment or investigation would be conducted in accordance with CEQA guidelines regarding cultural resources. Therefore, the impact from the project would be **less-than-significant with mitigation incorporated**.

**c) Disturb any human remains, including remains interred outside of dedicated cemeteries?**

No human remains have been discovered at the project site and it is not anticipated that human remains, including those interred outside of dedicated cemeteries, would be discovered during project ground-disturbing activities. There is no indication from the records searches or pedestrian survey that human remains are present within the project site locations. However, in the event that human remains, including those interred outside of formal cemeteries and including associated items and materials, are discovered during subsurface activities, the human remains and associated items and materials could be inadvertently damaged. If this were to occur, then this impact would be considered **potentially significant**. The following mitigation measure has been identified to address this impact:

**Mitigation Measure CR-2: Avoid Potential Effects on Undiscovered Burials.**

If human remains are found, the District shall be immediately notified. The California Health and Safety Code requires that excavation be halted in the immediate area and that the Ventura County coroner be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the coroner must contact the NAHC by telephone within 24 hours of making that determination (Health and Safety Code, Section 7050.5[c]).

Once notified by the coroner, the NAHC shall identify the person determined to be the Most Likely Descendant (MLD) of the Native American remains. With permission of the legal landowner(s), the MLD may visit the site and make recommendations regarding the treatment and disposition of the human remains and any associated grave goods. This visit should be conducted within 24 hours of the MLD's notification by the NAHC (PRC, Section 5097.98[a]). If a satisfactory agreement between interested parties (the MLD, land owner(s), lead agency, etc.) for treatment of the remains cannot be reached, any of the parties may request mediation by the NAHC (PRC, Section 5097.94[k]). Should mediation fail, the landowner or the landowner's representative must reinter the remains and associated items with appropriate dignity on the property in a location not subject to further subsurface disturbance (PRC, Section 5097.98[b]).

Implementing Mitigation Measure CR-2 would reduce this impact because the find would be assessed by an archaeologist and treated or investigated in accordance with state and federal laws. Therefore, impacts from the project would be **less-than-significant with mitigation incorporated.**



### 3.6 Energy

**#6. ENERGY. Would the project:**

#6 -a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b>Yes.</b>	Have No Impact? No.	Have Beneficial Impact? No.
#6 -b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.

#### 3.6.1 Environmental Setting

Electricity in the project area is primarily provided by Southern California Edison Company, while the Southern California Gas Company provides natural gas service (Ventura County 2020a). In 2019, the total electricity consumption for Ventura County was approximately 5344 million kilowatts per hour (kWh) (CEC 2019).

#### 3.6.2 Discussion

**#6 -a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

The proposed project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. The project would involve short-term and intermittent use of diesel-fueled vehicles and there would not be a substantial long-term increase in energy consumption. Therefore, impacts would be **less than significant**.

**#6 -b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

The Ventura County Regional Energy Alliance (VCREA) has served as a regional Joint Powers Authority since 2002 to address energy planning, conservation, and reliability. VCREA’s mission is “to establish Ventura County, its communities and neighboring regions as the leader in developing and implementing durable, sustainable energy initiatives that support sensible growth, healthy environment and economy, enhanced quality of life, and greater self-reliance for the region” (VCREA 2021). The goals for VCREA are to: 1) lead and coordinate regional integrated energy resource planning, 2) develop a long-term, sustainable energy strategy and implementation plan, 3) develop regional capability to respond to energy emergencies and short-term disruptions., 4) increase awareness of and access to conservation, efficiency, and renewable opportunities, 5) add value to, but not duplicate, services offered by public utilities and other regional providers, 6) inform decision makers and stakeholders of energy policy, regulatory, and market changes, and

7) empower Ventura County to lead in research, development, demonstration, innovation, and commercialization of sustainable energy technologies (Ventura County 2020b). Since the proposed project is limited to conducting geotechnical exploration activities, it would not conflict with the goals set by VCREA. Additionally, the proposed project would comply with the state's Climate Commitment to reduce the reliance on non-renewable energy sources by half by 2030 (CEC 2015). There would be **no impact**.

### 3.7 Geology and Soils

#### #7. GEOLOGY AND SOILS. Would the project:

#7 -a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
#7 -a. i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#7 -a. ii. Strong seismic ground shaking?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#7 -a. iii. Seismic-related ground failure, including liquefaction?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#7 -a. iv. Landslides?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#7 -b. Result in substantial soil erosion or the loss of topsoil?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <b><u>Yes.</u></b>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.

**#7. GEOLOGY AND SOILS. Would the project:**

#7 -c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b>Yes.</b>	Have No Impact? No.	Have Beneficial Impact? No.
#7 -d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated),), creating substantial direct or indirect risks to life or property?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b>Yes.</b>	Have No Impact? No.	Have Beneficial Impact? No.
#7 -e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.
#7 -f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <b>Yes.</b>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.

**3.7.1 Environmental Setting**

The project site is located on the following soil types: San Benito clay loam, 50 to 75 percent slopes, Major Land Resource Area 20, and sandy alluvial land (NRCS 2021). Underlying geology of the project site includes unconsolidated surficial gravel and sand alluvial deposits (stream channel) and weakly consolidated surficial gravel alluvial terrace deposits (Dibblee and Ehrenspeck 1992). The Oak Ridge thrust fault is located within the project site. The Oak Ridge fault is a late Quaternary fault meaning displacement has occurred in the past 700,000 years. There are many small Quaternary faults located in the vicinity of the project site, the closest ones being the Wright Road fault, located approximately 0.5 mile south of the project site and an unnamed fault, located approximately 1 mile southeast of the project site (CGS 2015a). There are no Alquist-Priolo fault zones located within the project site (CGS 2020). The project site is located within a liquefaction zone, as shown on the Ventura County Mapper (Ventura County 2021). Additionally, the project site is located within an area susceptible to landslides (CGS 2020).

### **3.7.2 Discussion**

**#7 -a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

**#7 -a. i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

The project site is not located within an Alquist-Priolo Earthquake fault zone. Surface fault rupture is most likely to occur on active faults (i.e., faults showing evidence of displacement within the last 11,700 years). Damage from surface fault rupture is generally limited to a linear zone a few yards wide. Since the proposed project is not located within the vicinity of an active fault, there would be **no impact**.

**#7 -a. ii and iii. Strong seismic ground shaking, Seismic-related ground failure, including liquefaction?**

The proposed project would not pose a direct risk to people during seismic activity. The project is located within a liquefaction zone; however, the project activities are limited to geotechnical explorations, would not be located in an area easily accessible to the public, and would not involve new development. The proposed project would not increase the risk of seismic ground shaking or seismic-related ground failure (CGS 2020). There would be no substantial risk to people or structures from seismic-related activity as a result of the proposed project. Therefore, this impact would be **less than significant**.

**#7 -a. iv. Landslides?**

The project site is located within an area susceptible to landslides (CGS 2015b). However, the project activities are limited to geotechnical explorations, would be located in an area not easily accessible to the public, and would not involve any new developments. Therefore, the project would not result in substantial adverse impacts including risk of loss, injury, or death, and the impact from the project would be **less than significant**.

**#7 -b. Result in substantial soil erosion or the loss of topsoil?**

Grading, stockpiling, and other project activities could result in the temporary and short-term disturbance of soil, which could be exposed to rainfall if a storm event were to occur during project implementation. Rainfall of sufficient intensity could dislodge soil particles from the soil surface. Once particles are dislodged, and the storm is large enough to generate runoff, substantial localized erosion could occur. Additionally, eroded soils from project activities could be conveyed to the Santa Clara River channel in runoff. Topsoil may be stripped and stockpiled for later reuse on the site. Soil disturbance could result in substantial loss of topsoil due to wind erosion.

The project focuses on data collection and does not include an operations phase and would not create the potential for soil erosion or loss of topsoil after geotechnical explorations are complete. However, since there is potential for substantial soil erosion and loss of topsoil during project exploration and potential stockpiling activities, the impact from the project would be considered

**potentially significant.** The following mitigation measure has been identified to address this impact.

**Mitigation Measure GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan, if required, Implement Erosion Control Best Management Practices, and Comply with Ventura County Standards for Grading and Erosion Control.**

If project activities would disturb more than 1 acre, then activities would be subject to SWRCB's Statewide Stormwater General Permit for Construction (2009-0009-DWQ) requirements construction-related stormwater permit requirements of the NPDES program. Any permits will be obtained by the District before any ground-disturbing construction activity.

If a Construction General Permit is needed, it would also require preparation of a SWPPP that identifies BMPs for erosion control and to prevent or minimize the introduction of contaminants into surface waters. Such BMPs could include, but would not be limited to, silt fencing, straw bale barriers, fiber rolls, storm drain inlet protection, hydraulic mulch, and a stabilized construction entrance. The SWPPP will include development of site-specific structural and operational BMPs to prevent and control impacts on runoff quality, measures to be implemented before each storm event, inspection and maintenance of BMPs, and monitoring of runoff quality by visual and/or analytical means. The SWPPP will also include dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. The BMPs shall be clearly identified and maintained in good working condition throughout the construction process. The construction contractor shall retain a copy of the approved SWPPP on the construction site and modify it as necessary to suit specific site conditions.

If it's determined that a construction General Permit and SWPPP is not necessary for the proposed project, the District would still identify and implement BMPs for erosion control, similar to those listed above, to prevent contaminants entering surface water.

The District would obtain and comply with all provisions of a Ventura County Grading Permit, if required.

Implementing Mitigation Measure GEO-1 would minimize the potential impact from construction-related erosion because a SWPPP and/or BMPs would be implemented to prevent and control pollution and minimize and control runoff and erosion. Therefore, the impact from the project would be **less-than-significant impact with mitigation incorporated.**

**#7. -c and d. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse? Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property**

A portion of the project site includes clay loam soils classified as having a moderate shrink-swell potential (NRCS 1970). Expansive soils can become unstable due to changes in moisture content. However, the proposed project is planned for the dry season, and in the unlikely event water is present, a dewatering or diversion plan would be in place to manage moisture on the project site, as described in the project description. Additionally, the project is limited to geotechnical exploration activities which are unlikely to be affected by expansive soils. The project does not include new development or structures and the presence of exploration pits and borings would not cause soils to become unstable. Therefore, this impact is **less than significant**.

**#7 -e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

The project would not require the use of septic tanks or alternative wastewater disposal systems. Temporary portable restrooms would likely be provided for construction workers. Therefore, there would be **no impact**.

**#7 -f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

The project sites are located on marine and non-marine sedimentary rock that consist of alluvium, lake, playa, and terrace deposits from the Pleistocene-Holocene ages (Dibblee and Ehrenspeck 1992). With few exceptions, paleontological resources are found almost exclusively in sedimentary rock. However, to be considered a unique paleontological resource, a fossil must be more than 11,700 years old (i.e., the generally accepted end of the last glacial period of the Pleistocene Epoch) (SVP 2010). Holocene deposits contain only the remains of extant, modern taxa (if any resources are present), which are not considered “unique” paleontological resources. The stream channel alluvial deposits would be considered of low paleontological sensitivity. Alluvial deposits that are of Pleistocene age or older (surficial terrace areas on the south side of the project) may be paleontologically sensitive and the potential exists for discovery, inadvertent damage to, or destruction of an unknown paleontological resources within the project site. Therefore, this impact would be considered **potentially significant**. The following mitigation measure has been identified to address this impact.

**Mitigation Measure GEO-2: Implement Construction Worker Personnel Training, Stop Work if Paleontological Resources are Encountered During Earthmoving Activities and Implement a Recovery Plan, if Appropriate.**

To minimize the potential for destruction of or damage to potentially unique, paleontological resources during earth-moving activities, the District will implement the measures described below.

- Before the start of construction activities at the project site, construction personnel involved with earth-moving activities (including the site superintendent) will be informed of the possibility of encountering fossils and proper notification procedures should potential fossils be encountered. This worker training may be prepared and presented by an experienced field archaeologist at the same time as construction worker education on cultural resources is presented.
- If paleontological resources are discovered during earth-moving activities, the construction crew will notify the District and will immediately cease work in the vicinity of the find. The District will retain a qualified paleontologist to inspect the discovery and determine whether further investigation is required. If the discovery can be avoided and no further impacts will occur, no further effort shall be required.
- If the resource cannot be avoided and may be subject to further impact, a qualified paleontologist shall evaluate the resource in accordance with SVP Guidelines (2010) and determine whether it is “unique” under CEQA, Appendix G, part VII. The determination and associated plan for protection of the resource shall be provided to the District for review and approval. If the resource is determined not to be unique, work may commence in the area. If the resource is determined to be a unique paleontological resource, work shall remain halted, and the paleontologist shall consult with the District staff regarding methods to ensure that no substantial adverse change would occur to the significance of the resource pursuant to CEQA.
- Preservation in place (i.e., avoidance) is the preferred method of mitigation for impacts to paleontological resources and shall be required unless there are other equally effective methods. Other methods may be used but must ensure that the fossils are recovered, prepared, identified, catalogued, and analyzed according to current professional standards under the direction of a qualified paleontologist. All recovered fossils shall be curated at an accredited and permanent scientific institution according to Society of Vertebrate Paleontology standard guidelines; typically, the Natural History Museum of Los Angeles County and University of California, Berkeley accept paleontological collections at no cost to the donor. Work may commence upon completion of treatment, as approved by the District.

Implementation of Mitigation Measure GEO-2 would reduce this impact by identifying unique paleontological resource or site or unique geological feature discovered during construction, avoiding disturbance or avoiding substantial adverse changes to the significant of the resource. Therefore, the impact from the project would be **less-than-significant impact with mitigation incorporated**.



### 3.8 Greenhouse Gas Emissions

**#8. GREENHOUSE GAS EMISSIONS. Would the project:**

#8 -a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#8 -b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.

#### 3.8.1 Environmental Setting

Ventura County developed a Climate Protection Plan in 2012 that focused on County government operations, setting out six major action areas and 15 climate protection commitments (County of Ventura 2012). Additionally, Ventura County adopted a Climate Action Plan (CAP) as part of its General Plan Update 2040 (Ventura County 2020). As part of the CAP, GHG emissions reduction strategy was prepared and integrated with the General Plan. The purpose of the GHG emissions reduction strategy is to identify and reduce community GHG emissions from existing and future activities and sources within the unincorporated area. A summary of the GHG emissions reduction strategy can be found in Table B-1 within the Ventura County General Plan Update 2040 (Ventura County 2020).

#### 3.8.2 Discussion

**#8 -a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Temporary Greenhouse Gas (GHG) emissions would be generated during project activities, primarily from use of diesel-powered vehicles to conduct geotechnical explorations and mobilize equipment over the approximately 4-week construction period. Additionally, pickup trucks, a water truck, and one small all-terrain utility vehicle would be used onsite. The project would not have an operational phase. During project activities vehicle usage each day would be minimal. Therefore, only a very small amount GHG emissions would be temporarily generated, and this impact would be **less than significant**.

**#8 -b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

The proposed project would not conflict with Ventura County’s CAP. California has more than 10 Executive Orders directing state agencies to implement programs to reduce GHG emissions to meet 2030 target of 40 percent below 1990 levels (State of California 2018). CARB is the primary

state agency responsible for implementing GHG reduction programs. Since the proposed project is limited to geotechnical exploration activities, it would not conflict with plans, policies, or regulations prepared or established to reduce GHG emissions. The proposed project's incremental contribution to the cumulative impact of increasing atmospheric levels of GHGs would be less than cumulatively considerable. The impact would be **less than significant**.

### 3.9 Hazards and Hazardous Materials

#### #9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

#9 -a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#9 -b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#9 -c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.
#9 -d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.
#9 -e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.
#9 -f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.

#9 -g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.
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### 3.9.1 Environmental Setting

A search of publicly accessible databases was conducted to identify known hazardous materials sites in the project area. There were no hazardous materials sites identified within 0.25 mile of the project site. The database search included all data sources included in the Cortese List (enumerated in PRC Section 65962.5). These sources include the GeoTracker database, a groundwater information management system that is maintained by the SWRCB; the Hazardous Waste and Substances Site List (i.e., the EnviroStor database), maintained by the California Department of Toxic Substances Control (DTSC); and EPA’s Superfund Site database (DTSC 2021a and 2021b, SWRCB 2021a and 2021b, CalEPA 2021, EPA 2021). The project site is also not in an area identified as more likely to contain asbestos by the California Department of Conservation (DOC 2000). This issue is not discussed further in this IS. The project site is not located in a high severity fire hazard zone (CALFIRE 2007 and 2010).

### 3.9.2 Discussion

**#9 -a and b. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

The project consists of data collection to investigate the geotechnical site characteristics and would involve the storage, transport, and use of small amounts of hazardous substances necessary to operate and maintain equipment such as oils, lubricants, and fuel. The project would not involve routine or long-term transport or disposal of such materials. However, due to the close proximity of the Santa Clara River and the need for storage, transport, and use of hazardous substance, this impact is considered **potentially significant**. The following mitigation measure was identified to address this impact.

**Mitigation Measure HAZ-1: Implement Best Management Practices to Minimize the Potential Release of Hazardous Materials.**

Project-related vehicles and equipment will be maintained prior to site access and checked and maintained daily to prevent leaks of materials that, if introduced to the water, could be deleterious. Equipment fueling will occur outside the channel whenever possible. If a stationary piece of equipment cannot be readily moved out of the channel for fueling, a containment system will be used to capture any accidental spill. Onsite fueling trucks and fueling areas will contain spill kits and/or other spill protection devices. Vehicle and equipment fluid spills will be cleaned up immediately. Equipment and material staging/storage will occur outside the channel.

No project-related hazardous substances will be allowed to contaminate the soil and/or enter into or be placed where it may be washed by rainfall or runoff into the Santa Clara River.

Implementation of Mitigation Measure HAZ-1 would minimize the potential for release of hazardous materials at the project site. Therefore, the impact from the project would be **less-than-significant with mitigation incorporated**.

**#9 -c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

There are no schools within 0.25 mile of the project site. There would be **no impact**.

**#9 -d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The project site is not identified on lists compiled pursuant to Government Code Section 65962.5. There would be **no impact**.

**#9 -e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

The project site is not within an airport land use plan area or within 2 miles of a public or public use airport. There would be **no impact**.

**#9 -f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Ventura County does not have an adopted emergency response plan or emergency evacuation plan. There would not be such an increase in the number of users at the site that emergency response or evacuation could be impaired. Additionally, due to the location of the project and its short-term, temporary nature, the project would not pose a risk to emergency response or evacuation during an emergency. The proposed project would not adversely affect an adopted emergency response plan. There would be **no impact**.

**#9 -g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

The proposed project is not located within a fire hazard severity zone or state responsible area. Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There would be **no impact**.

### 3.10 Hydrology and Water Quality

#### #10. HYDROLOGY AND WATER QUALITY. Would the project:

#10 -a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#10 -b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.
#10 -c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
#10 -c. i. result in substantial erosion or siltation on- or offsite;	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>Yes.</u>	Have Less-than-Significant Impact? No.	Have No Impact? No.	Have Beneficial Impact? No.
#10 -c. ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <u>Yes.</u>	Have No Impact? No.	Have Beneficial Impact? No.
#10 -c. iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? <u>No.</u>	Have Less-than-Significant Impact? <u>Yes.</u>	Have No Impact? No.	Have Beneficial Impact? No.

**#10. HYDROLOGY AND WATER QUALITY. Would the project:**

#10 -c. iv. impede or redirect flood flows?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#10 -d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#10 -e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.

**3.10.1 Environmental Setting**

**United Water Conservation District**

The District is a public agency serving as the conservator of groundwater resources that are utilized by the cities of Oxnard, Port Hueneme, Ventura, Santa Paula, and Fillmore, as well as Naval Base Ventura County and several mutual water districts, farms and individual pumpers. Additionally, the District provides surface water for agricultural irrigation and treated drinking water to the cities of Oxnard and Port Hueneme. The District is situated in central Ventura County and District boundary encompasses the Santa Clara River Valley and Oxnard Coastal Plain for a total of 214,000 acres (UWCD 2020).

The Freeman Diversion was constructed on the mainstem of the Santa Clara River to enable United to divert Santa Clara River water for groundwater recharge under an existing water rights permit and license, as well as to stabilize the elevation of the upstream river channel. The Forebay of the Oxnard groundwater subbasin is recharged by infiltration from the riverbed of the Santa Clara River and surface flows diverted by the Freeman Diversion to recharge basins constructed for that purpose. The Freeman Diversion is a critical component of the water supply in the Oxnard subbasin and contributes a significant portion of the sustainable yield in the basin (FCGMA 2019).

**Water Quality**

The project site is located in the Los Angeles Regional Water Quality Control Board (LARWQCB) Basin Plan within the Ventura Hydrologic Unit (LARWQCB 2014). In accordance with Clean Water Act Section 303, water quality standards for this basin are contained in the Water Quality Control Plan – Ocean Waters of California (California Ocean Plan), Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries in California (California Thermal Plan), and the Water Quality Control Plan for Enclosed Bays and Estuaries. The portion of the Santa Clara River that runs through the project site is listed

on the 303(d) list as an impaired water and is considered impacted due to the presence of chloride, indicator bacteria, selenium, total dissolved solids, toxicity, and trash (SWRCB 2017).

### **Groundwater**

The project site is located within the Santa Clara River Valley Groundwater Basin (4-004) near the western edge of the Santa Clara River Valley – Santa Paula Groundwater Subbasin about 4 miles southwest of the city center of Santa Paula (DWR 2015). The project site is located within a Bulletin 118 designated groundwater basin and is prioritized as very low (DWR 2019).

### **Flood Management**

The project site is located within a 100-year flood zone. The majority of the project site is located in a Federal Emergency Management Agency Zone AE (1 percent annual chance of flooding), with a small portion of the project site is located in Zone X (Area of Minimal Flood Hazard) (FEMA 2021). The project is not located in a coastal area and is outside of a tsunami hazard zone.

#### **3.10.2 Discussion**

##### **#10 -a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

There is a chance that the project could contribute sediment or other contaminants directly or indirectly into the Santa Clara River from data collection activities. If water is present within the vicinity of the work area the District may need to prepare and implement a dewatering and diversion plan. Implementation of a dewatering and diversion plan would provide a dry work area for geotechnical exploration activities and minimize the potential for erosion. Since the project is located within the bed and banks of the Santa Clara River, the District would need to obtain a Watercourse Permit from the Ventura County Public Work Agency, Watershed Protection District. Additionally, since the project is located within a Federal Emergency Management Agency designated 100-year flood zone, the project would be required to comply with Ventura County Flood Management Ordinance No. 4521, which would require the District to obtain a Flood Plain Development Permit.

The project has the potential to generate runoff and erosion during ground disturbing activities, as discussed in Impact #7b in Chapter 3.7, “Geology and Soils,” and impacts from the project related to erosion and water quality would be considered **potentially significant**. The following mitigation measure has been identified to address this impact.

#### **Mitigation Measure GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan, if required, Implement Erosion Control Best Management Practices, and Comply with Ventura County Standards for Grading and Erosion Control.**

Please refer to Mitigation Measure GEO-1 in Chapter 3.7, “Geology and Soils,” for the full text of this mitigation measure.

Implementing Mitigation Measure GEO-1 would minimize the potential impact from construction-related erosion because a SWPPP and/or BMPs would be implemented to prevent and control



pollution and minimize impacts to water quality. Therefore, the project would have a **less-than-significant impact with mitigation incorporated**.

**#10 -b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Piezometers installed with the project would collect data on groundwater levels to help with future analysis of this site, but the project would not include the use of groundwater and would not interfere with groundwater recharge. Therefore, there would be **no impact**.

**#10 -c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**#10 -i) Result in substantial erosion or siltation on- or offsite?**

The drainage pattern of the site would also be temporarily altered from ground disturbing activities. Implementation of a dewatering and diversion plan would provide a dry work area for geotechnical exploration activities and minimize the potential for erosion. However, there is potential for runoff and erosion during ground disturbing activities, as discussed in Impact #7b in Chapter 3.7, "Geology and Soils," and impacts from the project related to erosion would be considered **potentially significant**. The following mitigation measure has been identified to address this impact.

**Mitigation Measure GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan, if required, Implement Erosion Control Best Management Practices, and Comply with Ventura County Standards for Grading and Erosion Control.**

Please refer to Mitigation Measure GEO-1 in Chapter 3.7, "Geology and Soils," for the full text of this mitigation measure.

Implementing Mitigation Measure GEO-1 would minimize the potential impact from construction-related erosion because a SWPPP and/or BMPs would be implemented to prevent and control pollution and minimize and control runoff and erosion. Therefore, the impact from the project would be **less-than-significant impact with mitigation incorporated**.

**#10 -c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**#10 - ii, iii, and iv) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?; Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional**

**sources of polluted runoff?; or Impede or redirect flood flows?**

If water is present within the vicinity of the work area, then the District would prepare and implement a dewatering and diversion plan. Implementation of a dewatering and diversion plan would provide a dry work area for geotechnical exploration activities and minimize the potential for erosion. A small area near the south riverbank would be dewatered, but water would continue flowing around the work areas and downstream and flood flows would not be redirected offsite. The capacity of stormwater drainage systems also would not be exceeded. Therefore, the impact from the project would be **less than significant**.

**#10 -d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

The project site is located within a 100-year flood plain, but is not located in a tsunami, or seiche zone. The project would not propose new developments that could release pollutants due to project inundation. Therefore, this impact would be **less than significant**.

**#10 -e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Since the project is limited to geotechnical exploration activities, it would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. The project consists of data collection to investigate the geotechnical site characteristics. There would be **no impact**.

### 3.11 Land Use and Planning

#### #11. LAND USE AND PLANNING. Would the project:

#11 -a. Physically divide an established community?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#11 -b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.

#### 3.11.1 Environmental Setting

The project site is zoned OS-80/MRP/HCWC (Ventura County 2020). The project site is located on undeveloped land in unincorporated Ventura County. The surrounding area consists of the Santa Clara River, the Southern Pacific Milling Company, bare ground, and a vegetated hillside.

#### 3.11.2 Discussion

##### #11 -a. Physically divide an established community?

The project does not propose new developments and would not divide an established community. There would be **no impact**.

##### #11 -b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As stated in Question “a” in this section, the project does not propose new developments. Therefore, the project would not conflict with any land use plan, policy, or regulations. There would be **no impact**.

### 3.12 Mineral Resources

#### #12. MINERAL RESOURCES. Would the project:

#12 -a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <u>Yes.</u>	Have No Impact? No.	Have Beneficial Impact? No.
#12 -b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <u>Yes.</u>	Have Beneficial Impact? No.

#### 3.12.1 Environmental Setting

The project site is located within a Surface Mining and Reclamation Act of 1975 study area for sand, gravel, and crushed rock resource areas, known as the Simi production-consumption region. The project site is designated as mineral resource zone-2 (areas that contain identified mineral resources) (DOC 1993). The Southern Pacific Milling Company is located immediately adjacent the proposed project.

#### 3.12.2 Discussion

##### #12 -a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The project site is located in a Surface Mining and Reclamation Act of 1975 study area and has the potential to contain mineral resources. Boreholes would be backfilled with cement-bentonite grout and topped off with excavated materials from the site. Test pits would be backfilled with excavated material. There is potential for loss of a small amount material that could be considered mineral resources, however, the amount that could be lost would be minimal and would not affect the overall availability of mineral resources in Ventura County. The permitted aggregate reserves in the Ventura County Production Consumption Region are currently 168 million tons (Ventura County 2020). Therefore, this impact would be **less-than-significant**.

##### #12 -b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The project site is not located within the vicinity of a locally important mineral resource recovery site. There would be **no impact**.

### 3.13 Noise

#### #13. NOISE. Would the project:

#13 -a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable standards of other agencies?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#13 -b. Generation of excessive groundborne vibration or groundborne noise levels?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? No.	Have Beneficial Impact? No.
#13 -c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.

#### 3.13.1 Environmental Setting

The closest sensitive receptor to the project site is a residence located approximately 0.6 mile northwest. The project site is located approximately 1 mile south of Santa Paula Highway (Highway 126), and 2.25 miles northeast of Highway 118. The Ventura County Municipal Code states that the maximum allowable average sound level (Leq) is as follows:

- Leq (1-hour) of 55 A-weighted decibel (dBA) or ambient noise level plus 3 dBA, whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.
- Leq (1-hour) of 50 dBA or ambient noise level plus 3 dBA, whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.
- Leq (1-hour) of 45 dBA or ambient noise level plus 3 dBA, whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m. (Ventura County 2020)

**3.13.2 Discussion**

**#13 -a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable standards of other agencies?**

The proposed project would temporarily increase ambient noise levels within the vicinity of the project site due to the use of construction equipment. Work at the project site would be limited to the hours identified in the Ventura County Municipal Code. The list of equipment that may be used for project construction activities with typical noise levels generated at 50 feet from the equipment (reference levels) is shown in **Table 3-5**. The closest residence is located approximately 0.6 mile northwest of the project site and actual construction noise levels at the sensitive noise receptors would be considerably lower than shown in **Table 3-5**. The proposed project would be consistent with the Ventura County Noise Ordinance. Due to the small amount of equipment that would be used during project activities and the distance to the nearest sensitive noise receptor, the proposed project would generate noise levels lower than the applicable standards. The project would not have an operational phase. Therefore, the impact from the project would be **less than significant**.

**Table 3-5. Equipment and Typical Equipment Noise Levels**

Type of Equipment	Typical Noise Levels (dB)
	L <sub>max</sub> at 50 Feet
Truck Mounted Drill	84
Drill Rig	85
Excavator	81
Crane	85
Pick-up Truck	75

Notes: dB = decibels; L<sub>max</sub> = maximum instantaneous sound level;  
 Source: Construction equipment list based on Federal Highway Administration (FHWA) 2006, adapted by GEI in 2021

**#13 -b. Generation of excessive groundborne vibration or groundborne noise levels?**

Ground vibration would occur during project activities. Vibrations could be detectable by nearby sensitive receptors; however, the nearest sensitive receptor is 0.60 miles away from the project site and vibrations from the project are not anticipated to be perceptible at this distance. Additionally, the proposed project would not have an operational phase. Therefore, the impact from the project would be **less than significant**.

**#13 -c) For a project located within-the vicinity of a private airstrip or-an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

The project site is not within an airport land use plan area or within 2 miles of a public or public use airport. Therefore, the proposed project would not expose people residing or working in the area to excessive noise levels. There would be **no impact**.

### 3.14 Population and Housing

#### #14. POPULATION AND HOUSING. Would the project:

#14 -a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.
#14 -b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.

#### 3.14.1 Environmental Setting

The project site is located in the unincorporated area of Ventura County. The population in Ventura County was estimated in 2020 to be 842,886 (DOF 2020).

#### 3.14.2 Discussion

##### #14 -a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed project involves data collection to inform final design and construction of the future fish passage facility. The proposed project would not result in new developments, and therefore, would not induce unplanned population growth. There would be **no impact**.

##### #14 -b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project would not displace people or housing. The nearest residence is located 0.60-mile northwest of the project site and consists of one single residence with no other homes nearby. There would be **no impact**.



### 3.15 Public Services

**#15. PUBLIC SERVICES. Would the project:**

<p>#15 -a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</p>					
<p>Fire protection?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>Police protection?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>Schools?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>Parks?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>Other public facilities?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>

### **3.15.1 Environmental Setting**

The Ventura County Sheriff provides law enforcement services for the unincorporated Ventura County. The Ventura County Fire Department provides fire protection to residents of the unincorporated areas of the County, and the cities of Thousand Oaks, Simi Valley, Moorpark, Camarillo, Port Hueneme, and Ojai (Ventura County 2020). The Oliveland Elementary School, located 2.75 miles north of the project site, is the nearest school to the project site. The nearest park is the Saticoy Community Park located approximately 2.30 miles west of the project site.

### **3.15.2 Discussion**

**#15 -a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

Since the project is limited to geotechnical explorations, it would not require new or altered government facilities, as the project would not increase the need for public services from the existing conditions. There would be **no impact**.

### 3.16 Recreation

**#16. RECREATION. Would the project:**

#16 -a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#16 -b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.

#### 3.16.1 Environmental Setting

The project site is located in the unincorporated Ventura County with no nearby recreational facilities. The closest recreational facility is the Saticoy Community Park located approximately 2.30 miles west of the project site.

#### 3.16.2 Discussion

**#16-a and b. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

The project is not growth inducing and would not increase the use of existing parks or recreational facilities or require the construction or expansion of recreational facilities. There would be **no impact**.

### 3.17 Transportation

#### #17. TRANSPORTATION. Would the project:

#17 -a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.
#17 -b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b>Yes.</b>	Have No Impact? No.	Have Beneficial Impact? No.
#17 -c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.
#17 -d. Result in inadequate emergency access?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b>Yes.</b>	Have Beneficial Impact? No.

#### 3.17.1 Environmental Setting

Access to the project site area would be via State Route 118 (Los Angeles Avenue) to Southern Pacific Milling Road.

#### 3.17.2 Discussion

**#17 -a, c, and d). Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Result in inadequate emergency access?**

The project would not conflict with any program plan, ordinance, or policies. Existing public and private roads would be utilized to deliver equipment, supplies, and workers to and from the project site. The project would not require any road closures or result in inadequate emergency access. Since no new roads are being developed, the project would not increase hazards due to a geometric design feature or incompatible uses. There would be **no impact**.

**#17 -b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

Construction of the project would take approximately 4 weeks and would result in approximately 100 trips from workers commuting to and from the project site. Project activities would be conducted in a relatively undeveloped area, with the closest residence being 0.60 mile northwest of the project site. Due to the temporary, short-term nature of project activities, the proposed project would not significantly increase vehicle miles traveled within Ventura County. Therefore, the impact from the project would be **less than significant**.

### 3.18 Tribal Cultural Resources

**#18. TRIBAL CULTURAL RESOURCES.** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

<p>#18 -a. Listed or eligible for listing in the California Register of Historical Resources (CRHR), or in a local register of historical resources as defined in PRC Section 5020.1(k), or</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>
<p>#18 -b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? <b><u>Yes.</u></b></p>	<p>Have Beneficial Impact? No.</p>

#### 3.18.1 Environmental Setting

On January 4, 2021 GEI archaeologist Mathew Chouest, MA sent a request to the NAHC for a search of their Sacred Lands Files to determine if there were any previously reported tribal resources within the APE. The NAHC responded on January 20, 2021 with a list of potentially affiliated tribes, and a letter stating the search of the Sacred Lands Files had yielded negative results concluding that no tribal cultural resources are located on or in the vicinity of the proposed project site (NAHC 2021). A request for consultation has not been received from Tribes affiliated with the project site region. Similarly, no Native American archeological or historical resources listed or eligible for listing in the CRHR that could be considered a tribal cultural resource are located in the proposed project site. *See* Chapter 3.5 “Cultural Resources” for further details.

### 3.18.2 Discussion

**#18 -a and b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k)? A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

There are no known tribal cultural resources located in the vicinity of the project sites. There are no known Indian Sacred Sites in the vicinity of the project sites. Since no known Indian Sacred Sites have been identified within any of the project sites, there would be no direct, indirect, or cumulative impacts to Indian Sacred Sites from the proposed project. The proposed project would not have the potential to affect or prohibit access to any ceremonial use of Indian Sacred Sites. There would be **no impact**.

### 3.19 Utilities and Service Systems

#### #19. UTILITIES AND SERVICE SYSTEMS. Would the project:

#19 -a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#19 -b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? <b><u>Yes.</u></b>	Have No Impact? Yes.	Have Beneficial Impact? No.
#19 -c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#19 -d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#19 -e. Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.



### **3.19.1 Environmental Setting**

The project site and vicinity are provided electric and gas service by Southern California Edison and Southern California Gas, respectively (Ventura County 2020). Within the unincorporated Ventura County, wastewater collection, treatment, recycling, and disposal is provided by 16 agencies, districts, or service providers. The Ventura County Integrated Waste Management Division (IWMD) manages the collection and disposal of solid and hazardous waste in the unincorporated areas of Ventura County. The Toland Road landfill located approximately 9.5 miles northeast of the project site is the closest landfill.

### **3.19.2 Discussion**

#### **#19 -a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

No utility services would need to be constructed or expanded as a result of the proposed project. Implementation of the proposed project would result in **no impacts**.

#### **#19 -b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?**

The boring machine would require a water source and a polymer for lubrication during drilling. Water for drilling would be obtain by either drawing from the reservoir/canal by filtered pump and collected along with the drill muck for disposal; or trucked onsite from a to be determined clean water source. The proposed project would not require much water as all activities would be completed within 4 weeks and no operational phase would occur. Therefore, the project would have a **less-than-significant** impact.

#### **#19 -c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

See Question "a" above. The project would not result in a significant amount of wastewater. There would be **no impact**.

#### **#19 -d and e) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? Comply with federal, state, and local management and reduction statues and regulations related to solid waste?**

The proposed project would not create solid waste, and as such would not exceed the capacity of local infrastructure. There would be **no impact**.

### 3.20

### Wildfire

**#20. WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, **would the project:**

#20 -a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#20 -b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#20 -c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.
#20 -d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Have Potentially Significant Impact? No.	Have Less-than-Significant Impact with Mitigation Incorporated? No.	Have Less-than-Significant Impact? No.	Have No Impact? <b><u>Yes.</u></b>	Have Beneficial Impact? No.

#### 3.20.1 Environmental Setting

The project site is not located within a fire hazard severity zone or state responsibility area (CALFIRE 2007 and 2010). The Ventura County Fire Department provides fire protection to residents of the unincorporated areas of the County, and the cities of Thousand Oaks, Simi Valley, Moorpark, Camarillo, Port Hueneme, and Ojai (Ventura County 2020).

### 3.20.2 Discussion

**#20 -a, b, c, and d) Substantially impair an adopted emergency response plan or emergency evacuation plan? Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

The project site is not located in a high severity fire zone. There would not be such an increase in the number of users at the site that could impair emergency response or evacuation. Additionally, due to the location of the project site and the short-term, temporary nature of project activities, the project would not pose a risk to emergency response or evacuation during an emergency. The project would not require any infrastructure that could exacerbate fire risk or the risk of flooding, slope instability, or drainage changes. There would be **no impact**.

### 3.21 Mandatory Findings of Significance

**#21. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:**

<p>#21 -a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? <b>Yes.</b></p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>
<p>#21 -b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? <b>Yes.</b></p>	<p>Have Less-than-Significant Impact? No.</p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>
<p>#21 -c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>Have Potentially Significant Impact? No.</p>	<p>Have Less-than-Significant Impact with Mitigation Incorporated? No.</p>	<p>Have Less-than-Significant Impact? <b>Yes.</b></p>	<p>Have No Impact? No.</p>	<p>Have Beneficial Impact? No.</p>

#### 3.21.1 Discussion

**#21 -a. Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

The analysis conducted in this IS concludes that implementation of the proposed project would not have a significant impact on the environment. As evaluated in Chapter 3.4, Biological Resources, impacts on biological resources would be less-than-significant or less-than-significant with mitigation incorporated. The proposed project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of an endangered, rare, or threatened species. As discussed in Chapter 3.5, Cultural Resources, the proposed project would not eliminate important examples of the major periods of California history or prehistory. This impact would be **less-than-significant with mitigation incorporated.**

**#21 -b. Would the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

The proposed project would result in less-than-significant impacts with mitigation incorporated, less-than-significant impacts, or no impacts on aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. The temporary nature of the proposed project’s activities, and no long-term change, would result in no impacts or less-than-significant environmental impacts on the physical environment. None of the proposed project’s impacts make cumulatively considerable, incremental contributions to significant cumulative impacts with incorporation of mitigation presented in this IS. This impact would be **less-than-significant with mitigation incorporated**.

**#21 -c. Would the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

The project would result in less-than-significant impacts and would not cause substantial adverse effects on human beings, either directly or indirectly. This impact would be **less-than-significant**.

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## 5.0 Report Preparers

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### **GEI Consultants, Inc.**

Ryan Jolley.....Project Manager

Chrissy Russo.....Environmental Planner

Anne King.....Biologist

Jesse Martinez, RPA.....Archaeologist

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# Appendix A – Representative Photos

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Photo 1: Facing northeast from the middle of Upland Work Area 1 (January 14, 2021).



Photo 2: Facing northeast from the northern portion of Upland Work Area 2 (January 14, 2021).



Photo 3: Facing north from the southern portion of Upland Work Area 2 (January 14, 2021).



Photo 4: Facing southwest from the Upstream Work Area (January 14, 2021).



Photo 5: Facing northeast from the southern portion of Upland Work Area 2 (January 14, 2021).



Photo 6: Facing southwest from the southern portion of Upland Work Area 2 (January 14, 2021).



Photo 7: Facing southwest from the eastern portion of Upland Work Area 2 (January 14, 2021).

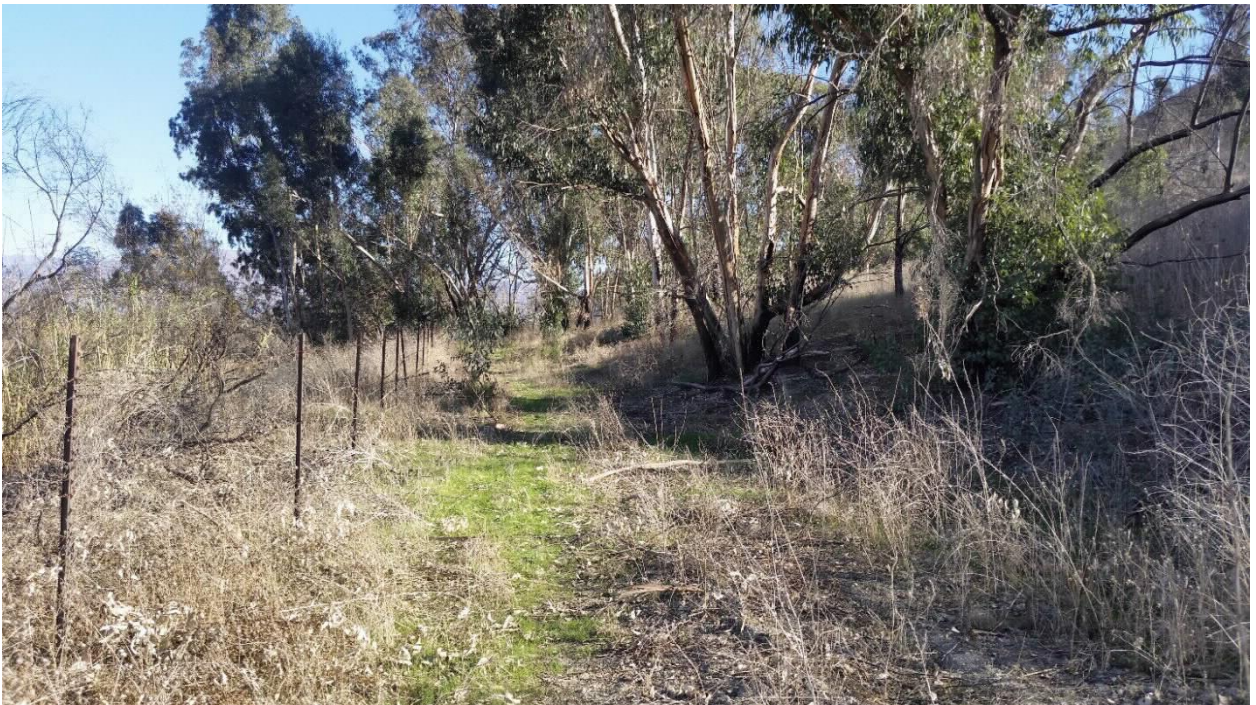


Photo 8: Facing northeast from the eastern portion of Upland Work Area 2 (January 14, 2021).



Photo 9: Facing northeast from the eastern portion of Upland Work Area 2 (January 14, 2021).

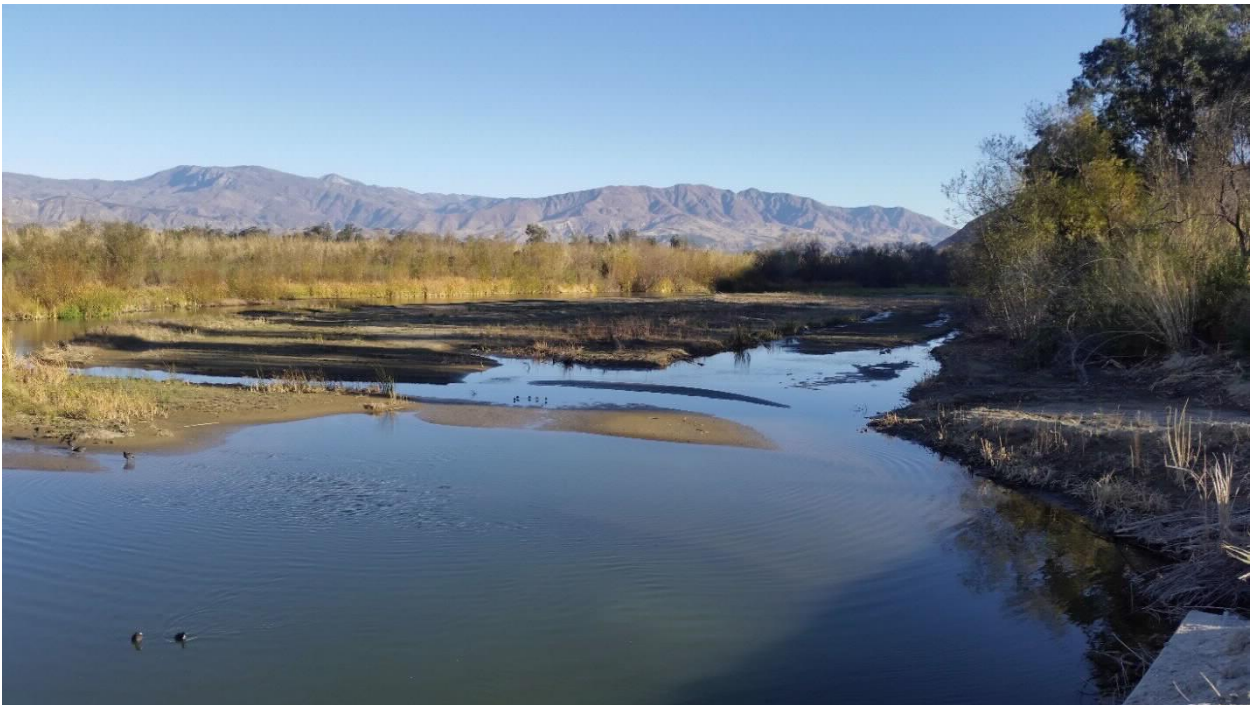


Photo 10: Facing northeast at the Upstream Work Area from the boundary of Upstream Work Area 2 (January 14, 2021).





Photo 11: Facing west from the boundary between the Upstream Work Area and Upland Work Area 2 (January 14, 2021).



Photo 12: Facing north at the Downstream Work Area from the boundary of Upstream Work Area 1 (January 14, 2021).

# Appendix B – Species Database Searches

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ventura Fish And Wildlife Office  
2493 Portola Road, Suite B  
Ventura, CA 93003-7726  
Phone: (805) 644-1766 Fax: (805) 644-3958

In Reply Refer To:

January 31, 2021

Consultation Code: 08EVEN00-2021-SLI-0154

Event Code: 08EVEN00-2021-E-00406

Project Name: Geotechnical Field Explorations for Vern Freeman Diversion Hardened Ramp Option

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed list identifies species listed as threatened and endangered, species proposed for listing as threatened or endangered, designated and proposed critical habitat, and species that are candidates for listing that may occur within the boundary of the area you have indicated using the U.S. Fish and Wildlife Service's (Service) Information Planning and Conservation System (IPaC). The species list fulfills the requirements under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the species list should be verified after 90 days. We recommend that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists following the same process you used to receive the enclosed list. Please include the Consultation Tracking Number in the header of this letter with any correspondence about the species list.

Due to staff shortages and excessive workload, we are unable to provide an official list more specific to your area. Numerous other sources of information are available for you to narrow the list to the habitats and conditions of the site in which you are interested. For example, we recommend conducting a biological site assessment or surveys for plants and animals that could help refine the list.

If a Federal agency is involved in the project, that agency has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a major construction project\*, the Federal agency has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species or critical habitat. If the Federal agency determines that a listed species or critical habitat is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve

conflicts with respect to threatened or endangered species or their critical habitat prior to a written request for formal consultation. During this review process, the Federal agency may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

Federal agencies are required to confer with the Service, pursuant to section 7(a)(4) of the Act, when an agency action is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10(a)). A request for formal conference must be in writing and should include the same information that would be provided for a request for formal consultation. Conferences can also include discussions between the Service and the Federal agency to identify and resolve potential conflicts between an action and proposed species or proposed critical habitat early in the decision-making process. The Service recommends ways to minimize or avoid adverse effects of the action. These recommendations are advisory because the jeopardy prohibition of section 7(a)(2) of the Act does not apply until the species is listed or the proposed critical habitat is designated. The conference process fulfills the need to inform Federal agencies of possible steps that an agency might take at an early stage to adjust its actions to avoid jeopardizing a proposed species.

When a proposed species or proposed critical habitat may be affected by an action, the lead Federal agency may elect to enter into formal conference with the Service even if the action is not likely to jeopardize or result in the destruction or adverse modification of proposed critical habitat. If the proposed species is listed or the proposed critical habitat is designated after completion of the conference, the Federal agency may ask the Service, in writing, to confirm the conference as a formal consultation. If the Service reviews the proposed action and finds that no significant changes in the action as planned or in the information used during the conference have occurred, the Service will confirm the conference as a formal consultation on the project and no further section 7 consultation will be necessary. Use of the formal conference process in this manner can prevent delays in the event the proposed species is listed or the proposed critical habitat is designated during project development or implementation.

Candidate species are those species presently under review by the Service for consideration for Federal listing. Candidate species should be considered in the planning process because they may become listed or proposed for listing prior to project completion. Preparation of a biological assessment, as described in section 7(c) of the Act, is not required for candidate species. If early evaluation of your project indicates that it is likely to affect a candidate species, you may wish to request technical assistance from this office.

Only listed species receive protection under the Act. However, sensitive species should be considered in the planning process in the event they become listed or proposed for listing prior to project completion. We recommend that you review information in the California Department of Fish and Wildlife's Natural Diversity Data Base. You can contact the California Department of Fish and Wildlife at (916) 324-3812 for information on other sensitive species that may occur in this area.

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[\*A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.]

Attachment(s):

- Official Species List
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Ventura Fish And Wildlife Office**

2493 Portola Road, Suite B

Ventura, CA 93003-7726

(805) 644-1766

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## Project Summary

Consultation Code: 08EVEN00-2021-SLI-0154

Event Code: 08EVEN00-2021-E-00406

Project Name: Geotechnical Field Explorations for Vern Freeman Diversion Hardened Ramp Option

Project Type: \*\* OTHER \*\*

Project Description: United Water Conservation District is proposing to conduct geotechnical field explorations to investigate site characteristics and inform potential design and construction of a hardened ramp at the Vern Freeman Diversion Structure Facility. The facility is located on the Santa Clara River, approximately 4 miles southwest of the city center of Santa Paula in Ventura County. Explorations would occur in the vicinity of the left abutment of the existing diversion.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@34.2983962,-119.10821632035348,14z>



Counties: Ventura County, California

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## Endangered Species Act Species

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> Population: U.S.A. only, except where listed as an experimental population There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8193">https://ecos.fws.gov/ecp/species/8193</a>	Endangered
Coastal California Gnatcatcher <i>Polioptila californica californica</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8178">https://ecos.fws.gov/ecp/species/8178</a>	Threatened
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5945">https://ecos.fws.gov/ecp/species/5945</a>	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6749">https://ecos.fws.gov/ecp/species/6749</a>	Endangered

## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	Threatened

## Crustaceans

NAME	STATUS
Riverside Fairy Shrimp <i>Streptocephalus woottoni</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8148">https://ecos.fws.gov/ecp/species/8148</a>	Endangered
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/498">https://ecos.fws.gov/ecp/species/498</a>	Threatened

## Flowering Plants

NAME	STATUS
California Orcutt Grass <i>Orcuttia californica</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4923">https://ecos.fws.gov/ecp/species/4923</a>	Endangered
Gambel's Watercress <i>Rorippa gambellii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4201">https://ecos.fws.gov/ecp/species/4201</a>	Endangered
Marsh Sandwort <i>Arenaria paludicola</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2229">https://ecos.fws.gov/ecp/species/2229</a>	Endangered
Spreading Navarretia <i>Navarretia fossalis</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/1334">https://ecos.fws.gov/ecp/species/1334</a>	Threatened

## Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> <a href="https://ecos.fws.gov/ecp/species/6749#crithab">https://ecos.fws.gov/ecp/species/6749#crithab</a>	Final



# Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad<span style='color:Red'> IS </span>(Ojai (3411942)<span style='color:Red'> OR </span>Santa Paula Peak (3411941)<span style='color:Red'> OR </span>Fillmore (3411848)<span style='color:Red'> OR </span>Saticoy (3411932)<span style='color:Red'> OR </span>Moorpark (3411838)<span style='color:Red'> OR </span>Oxnard (3411922)<span style='color:Red'> OR </span>Camarillo (3411921)<span style='color:Red'> OR </span>Newbury Park (3411828)<span style='color:Red'> OR </span>Santa Paula (3411931))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
<i>Anniella spp.</i> California legless lizard	ARACC01070	None	None	G3G4	S3S4	SSC
<i>Anniella stebbinsi</i> Southern California legless lizard	ARACC01060	None	None	G3	S3	SSC
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G4	S3	SSC
<i>Aquila chrysaetos</i> golden eagle	ABNKC22010	None	None	G5	S3	FP
<i>Arizona elegans occidentalis</i> California glossy snake	ARADB01017	None	None	G5T2	S2	SSC
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	ARACJ02143	None	None	G5T5	S3	SSC
<i>Astragalus brauntonii</i> Braunton's milk-vetch	PDFAB0F1G0	Endangered	None	G2	S2	1B.1
<i>Astragalus didymocarpus var. milesianus</i> Miles' milk-vetch	PDFAB0F2X3	None	None	G5T2	S2	1B.2
<i>Astragalus pycnostachyus var. lanosissimus</i> Ventura Marsh milk-vetch	PDFAB0F7B1	Endangered	Endangered	G2T1	S1	1B.1
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S3	SSC
<i>Atriplex serenana var. davidsonii</i> Davidson's saltscale	PDCHE041T1	None	None	G5T1	S1	1B.2
<i>Bombus crotchii</i> Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
<i>California Walnut Woodland</i> California Walnut Woodland	CTT71210CA	None	None	G2	S2.1	
<i>Calochortus clavatus var. gracilis</i> slender mariposa-lily	PMLIL0D096	None	None	G4T2T3	S2S3	1B.2
<i>Calochortus fimbriatus</i> late-flowered mariposa-lily	PMLIL0D1J2	None	None	G3	S3	1B.3
<i>Calochortus plummerae</i> Plummer's mariposa-lily	PMLIL0D150	None	None	G4	S4	4.2
<i>Catostomus santaanae</i> Santa Ana sucker	AFCJC02190	Threatened	None	G1	S1	
<i>Centromadia parryi ssp. australis</i> southern tarplant	PDAST4R0P4	None	None	G3T2	S2	1B.1



Selected Elements by Scientific Name  
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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Chaetodipus californicus femoralis</i></b> Dulzura pocket mouse	AMAFD05021	None	None	G5T3	S3	SSC
<b><i>Charadrius nivosus nivosus</i></b> western snowy plover	ABNNB03031	Threatened	None	G3T3	S2	SSC
<b><i>Chloropyron maritimum ssp. maritimum</i></b> salt marsh bird's-beak	PDSCR0J0C2	Endangered	Endangered	G4?T1	S1	1B.2
<b><i>Cicindela hirticollis gravida</i></b> sandy beach tiger beetle	IICOL02101	None	None	G5T2	S2	
<b><i>Coastal and Valley Freshwater Marsh</i></b> Coastal and Valley Freshwater Marsh	CTT52410CA	None	None	G3	S2.1	
<b><i>Coccyzus americanus occidentalis</i></b> western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
<b><i>Coelus globosus</i></b> globose dune beetle	IICOL4A010	None	None	G1G2	S1S2	
<b><i>Danaus plexippus pop. 1</i></b> monarch - California overwintering population	IILEPP2012	Candidate	None	G4T2T3	S2S3	
<b><i>Delphinium umbraculorum</i></b> umbrella larkspur	PDRAN0B1W0	None	None	G3	S3	1B.3
<b><i>Diadophis punctatus modestus</i></b> San Bernardino ringneck snake	ARADB10015	None	None	G5T2T3	S2?	
<b><i>Dudleya blochmaniae ssp. blochmaniae</i></b> Blochman's dudleya	PDCRA04051	None	None	G3T2	S2	1B.1
<b><i>Dudleya cymosa ssp. marcescens</i></b> marcescent dudleya	PDCRA040A3	Threatened	Rare	G5T2	S2	1B.2
<b><i>Dudleya parva</i></b> Conejo dudleya	PDCRA04016	Threatened	None	G1	S1	1B.2
<b><i>Dudleya verityi</i></b> Verity's dudleya	PDCRA040U0	Threatened	None	G1	S1	1B.1
<b><i>Elanus leucurus</i></b> white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
<b><i>Empidonax traillii extimus</i></b> southwestern willow flycatcher	ABPAE33043	Endangered	Endangered	G5T2	S1	
<b><i>Emys marmorata</i></b> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<b><i>Eremophila alpestris actia</i></b> California horned lark	ABPAT02011	None	None	G5T4Q	S4	WL
<b><i>Eriogonum crocatum</i></b> conejo buckwheat	PDPGN081G0	None	Rare	G1	S1	1B.2
<b><i>Eucyclogobius newberryi</i></b> tidewater goby	AFCQN04010	Endangered	None	G3	S3	
<b><i>Falco peregrinus anatum</i></b> American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP



Selected Elements by Scientific Name  
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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Fritillaria ojaiensis</i></b> Ojai fritillary	PMLIL0V0N0	None	None	G3	S3	1B.2
<b><i>Gasterosteus aculeatus williamsoni</i></b> unarmored threespine stickleback	AFCPA03011	Endangered	Endangered	G5T1	S1	FP
<b><i>Gila orcuttii</i></b> arroyo chub	AFCJB13120	None	None	G2	S2	SSC
<b><i>Gymnogyps californianus</i></b> California condor	ABNKA03010	Endangered	Endangered	G1	S1	FP
<b><i>Lasiurus cinereus</i></b> hoary bat	AMACC05030	None	None	G3G4	S4	
<b><i>Lasthenia glabrata ssp. coulteri</i></b> Coulter's goldfields	PDAST5L0A1	None	None	G4T2	S2	1B.1
<b><i>Laterallus jamaicensis coturniculus</i></b> California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
<b><i>Lepechinia rossii</i></b> Ross' pitcher sage	PDLAM0V060	None	None	G1	S1	1B.2
<b><i>Lepidium virginicum var. robinsonii</i></b> Robinson's pepper-grass	PDBRA1M114	None	None	G5T3	S3	4.3
<b><i>Linderiella occidentalis</i></b> California linderiella	ICBRA06010	None	None	G2G3	S2S3	
<b><i>Lupinus paynei</i></b> Payne's bush lupine	PDFAB2B580	None	None	G1Q	S1	1B.1
<b><i>Malacothrix similis</i></b> Mexican malacothrix	PDAST660D0	None	None	G2G3	SH	2A
<b><i>Monardella hypoleuca ssp. hypoleuca</i></b> white-veined monardella	PDLAM180A5	None	None	G4T3	S3	1B.3
<b><i>Monardella sinuata ssp. gerryi</i></b> Gerry's curly-leaved monardella	PDLAM18163	None	None	G3T1	S1	1B.1
<b><i>Navarretia ojaiensis</i></b> Ojai navarretia	PDPLM0C130	None	None	G2	S2	1B.1
<b><i>Neotoma lepida intermedia</i></b> San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
<b><i>Oncorhynchus mykiss irideus pop. 10</i></b> steelhead - southern California DPS	AFCHA0209J	Endangered	None	G5T1Q	S1	
<b><i>Passerculus sandwichensis beldingi</i></b> Belding's savannah sparrow	ABPBX99015	None	Endangered	G5T3	S3	
<b><i>Pentachaeta lyonii</i></b> Lyon's pentachaeta	PDAST6X060	Endangered	Endangered	G1	S1	1B.1
<b><i>Phrynosoma blainvillii</i></b> coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
<b><i>Polioptila californica californica</i></b> coastal California gnatcatcher	ABPBJ08081	Threatened	None	G4G5T3Q	S2	SSC



Selected Elements by Scientific Name  
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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Pseudognaphalium leucocephalum</i></b> white rabbit-tobacco	PDAST440C0	None	None	G4	S2	2B.2
<b><i>Quercus dumosa</i></b> Nuttall's scrub oak	PDFAG050D0	None	None	G3	S3	1B.1
<b><i>Rana boylei</i></b> foothill yellow-legged frog	AAABH01050	None	Endangered	G3	S3	SSC
<b><i>Rana draytonii</i></b> California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
<b><i>Riparia riparia</i></b> bank swallow	ABPAU08010	None	Threatened	G5	S2	
<b><i>Senecio aphanactis</i></b> chaparral ragwort	PDAST8H060	None	None	G3	S2	2B.2
<b><i>Setophaga petechia</i></b> yellow warbler	ABPBX03010	None	None	G5	S3S4	SSC
<b><i>Southern California Steelhead Stream</i></b> Southern California Steelhead Stream	CARE2310CA	None	None	GNR	SNR	
<b><i>Southern Coast Live Oak Riparian Forest</i></b> Southern Coast Live Oak Riparian Forest	CTT61310CA	None	None	G4	S4	
<b><i>Southern Coastal Salt Marsh</i></b> Southern Coastal Salt Marsh	CTT52120CA	None	None	G2	S2.1	
<b><i>Southern Cottonwood Willow Riparian Forest</i></b> Southern Cottonwood Willow Riparian Forest	CTT61330CA	None	None	G3	S3.2	
<b><i>Southern Mixed Riparian Forest</i></b> Southern Mixed Riparian Forest	CTT61340CA	None	None	G2	S2.1	
<b><i>Southern Riparian Forest</i></b> Southern Riparian Forest	CTT61300CA	None	None	G4	S4	
<b><i>Southern Riparian Scrub</i></b> Southern Riparian Scrub	CTT63300CA	None	None	G3	S3.2	
<b><i>Southern Sycamore Alder Riparian Woodland</i></b> Southern Sycamore Alder Riparian Woodland	CTT62400CA	None	None	G4	S4	
<b><i>Southern Willow Scrub</i></b> Southern Willow Scrub	CTT63320CA	None	None	G3	S2.1	
<b><i>Spea hammondi</i></b> western spadefoot	AAABF02020	None	None	G2G3	S3	SSC
<b><i>Sternula antillarum browni</i></b> California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
<b><i>Symphotrichum greatae</i></b> Greata's aster	PDASTE80U0	None	None	G2	S2	1B.3
<b><i>Taxidea taxus</i></b> American badger	AMAJF04010	None	None	G5	S3	SSC
<b><i>Texosporium sancti-jacobi</i></b> woven-spored lichen	NLTEST7980	None	None	G3	S2	3



Selected Elements by Scientific Name  
California Department of Fish and Wildlife  
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Thamnophis hammondi</i> two-striped gartersnake	ARADB36160	None	None	G4	S3S4	SSC
<i>Thamnophis sirtalis pop. 1</i> south coast gartersnake	ARADB3613F	None	None	G5T1T2	S1S2	SSC
<i>Trimerotropis occidentiloides</i> Santa Monica grasshopper	IIORT36300	None	None	G1G2	S1S2	
<i>Tryonia imitator</i> mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	
<i>Valley Needlegrass Grassland</i> Valley Needlegrass Grassland	CTT42110CA	None	None	G3	S3.1	
<i>Valley Oak Woodland</i> Valley Oak Woodland	CTT71130CA	None	None	G3	S2.1	
<i>Vireo bellii pusillus</i> least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S2	

Record Count: 89

\*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

## Plant List

49 matches found. [Click on scientific name for details](#)

### Search Criteria

Found in Quads 3411942, 3411941, 3411848, 3411932, 3411931, 3411838, 3411922 3411921 and 3411828;

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Listing Status	Federal Listing Status
<a href="#">Abronia villosa var. aurita</a>	chaparral sand-verbena	Nyctaginaceae	annual herb	(Jan)Mar-Sep	1B.1		
<a href="#">Asplenium vespertinum</a>	western spleenwort	Aspleniaceae	perennial rhizomatous herb	Feb-Jun	4.2		
<a href="#">Astragalus brauntonii</a>	Braunton's milk-vetch	Fabaceae	perennial herb	Jan-Aug	1B.1		FE
<a href="#">Astragalus didymocarpus var. milesianus</a>	Miles' milk-vetch	Fabaceae	annual herb	Mar-Jun	1B.2		
<a href="#">Astragalus pycnostachyus var. lanosissimus</a>	Ventura marsh milk-vetch	Fabaceae	perennial herb	(Jun)Aug-Oct	1B.1	CE	FE
<a href="#">Atriplex serenana var. davidsonii</a>	Davidson's saltscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2		
<a href="#">Baccharis plummerae ssp. plummerae</a>	Plummer's baccharis	Asteraceae	perennial deciduous shrub	May, Aug, Sep, Oct	4.3		
<a href="#">Calochortus catalinae</a>	Catalina mariposa lily	Liliaceae	perennial bulbiferous herb	(Feb)Mar-Jun	4.2		
<a href="#">Calochortus clavatus var. clavatus</a>	club-haired mariposa lily	Liliaceae	perennial bulbiferous herb	(Mar)May-Jun	4.3		
<a href="#">Calochortus fimbriatus</a>	late-flowered mariposa lily	Liliaceae	perennial bulbiferous herb	Jun-Aug	1B.3		
<a href="#">Calochortus plummerae</a>	Plummer's mariposa lily	Liliaceae	perennial bulbiferous herb	May-Jul	4.2		
<a href="#">Centromadia parryi ssp. australis</a>	southern tarplant	Asteraceae	annual herb	May-Nov	1B.1		
<a href="#">Chloropyron maritimum ssp. maritimum</a>	salt marsh bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	May-Oct(Nov)	1B.2	CE	FE



<a href="#"><u>Convolvulus simulans</u></a>	small-flowered morning-glory	Convolvulaceae	annual herb	Mar-Jul	4.2		
<a href="#"><u>Delphinium parryi ssp. blochmaniae</u></a>	dune larkspur	Ranunculaceae	perennial herb	Apr-Jun	1B.2		
<a href="#"><u>Delphinium parryi ssp. purpureum</u></a>	Mt. Pinos larkspur	Ranunculaceae	perennial herb	May-Jun	4.3		
<a href="#"><u>Delphinium umbraculorum</u></a>	umbrella larkspur	Ranunculaceae	perennial herb	Apr-Jun	1B.3		
<a href="#"><u>Dudleya blochmaniae ssp. blochmaniae</u></a>	Blochman's dudleya	Crassulaceae	perennial herb	Apr-Jun	1B.1		
<a href="#"><u>Dudleya cymosa ssp. marcescens</u></a>	marcescent dudleya	Crassulaceae	perennial herb	Apr-Jul	1B.2	CR	FT
<a href="#"><u>Dudleya parva</u></a>	Conejo dudleya	Crassulaceae	perennial herb	May-Jun	1B.2		FT
<a href="#"><u>Dudleya verityi</u></a>	Verity's dudleya	Crassulaceae	perennial herb	May-Jun	1B.1		FT
<a href="#"><u>Eriogonum crocatum</u></a>	conejo buckwheat	Polygonaceae	perennial herb	Apr-Jul	1B.2	CR	
<a href="#"><u>Fritillaria ojaiensis</u></a>	Ojai fritillary	Liliaceae	perennial bulbiferous herb	Feb-May	1B.2		
<a href="#"><u>Heterotheca sessiliflora ssp. sessiliflora</u></a>	beach goldenaster	Asteraceae	perennial herb	Mar-Dec	1B.1		
<a href="#"><u>Hordeum intercedens</u></a>	vernal barley	Poaceae	annual herb	Mar-Jun	3.2		
<a href="#"><u>Horkelia cuneata var. puberula</u></a>	mesa horkelia	Rosaceae	perennial herb	Feb-Jul(Sep)	1B.1		
<a href="#"><u>Juglans californica</u></a>	Southern California black walnut	Juglandaceae	perennial deciduous tree	Mar-Aug	4.2		
<a href="#"><u>Juncus acutus ssp. leopoldii</u></a>	southwestern spiny rush	Juncaceae	perennial rhizomatous herb	(Mar)May-Jun	4.2		
<a href="#"><u>Lasthenia glabrata ssp. coulteri</u></a>	Coulter's goldfields	Asteraceae	annual herb	Feb-Jun	1B.1		
<a href="#"><u>Lepechinia fragrans</u></a>	fragrant pitcher sage	Lamiaceae	perennial shrub	Mar-Oct	4.2		
<a href="#"><u>Lepechinia rossii</u></a>	Ross' pitcher sage	Lamiaceae	perennial shrub	May-Sep	1B.2		
<a href="#"><u>Lepidium virginicum var. robinsonii</u></a>	Robinson's pepper-grass	Brassicaceae	annual herb	Jan-Jul	4.3		
<a href="#"><u>Lilium humboldtii ssp. ocellatum</u></a>	ocellated Humboldt lily	Liliaceae	perennial bulbiferous herb	Mar-Jul(Aug)	4.2		
<a href="#"><u>Lupinus paynei</u></a>	Payne's bush lupine	Fabaceae	perennial shrub	Mar-Apr(May-Jul)	1B.1		
<a href="#"><u>Malacothrix similis</u></a>	Mexican malacothrix	Asteraceae	annual herb	Apr-May	2A		
<a href="#"><u>Monardella hypoleuca ssp. hypoleuca</u></a>	white-veined monardella	Lamiaceae	perennial herb	(Apr)May-Aug(Sep-Dec)	1B.3		
<a href="#"><u>Monardella sinuata ssp. gerryi</u></a>	Gerry's curly-leaved monardella	Lamiaceae	annual herb	Apr-Jun	1B.1		
<a href="#"><u>Monardella sinuata ssp. sinuata</u></a>	southern curly-leaved monardella	Lamiaceae	annual herb	Apr-Sep	1B.2		
<a href="#"><u>Navarretia ojaiensis</u></a>	Ojai navarretia	Polemoniaceae	annual herb	May-Jul	1B.1		
<a href="#"><u>Pentachaeta lyonii</u></a>	Lyon's pentachaeta	Asteraceae	annual herb	(Feb)Mar-Aug	1B.1	CE	FE

<a href="#">Phacelia ramosissima var. austrolitoralis</a>	south coast branching phacelia	Hydrophyllaceae	perennial herb	Mar-Aug	3.2
<a href="#">Piperia michaelii</a>	Michael's rein orchid	Orchidaceae	perennial herb	Apr-Aug	4.2
<a href="#">Polygala cornuta var. fishiae</a>	Fish's milkwort	Polygalaceae	perennial deciduous shrub	May-Aug	4.3
<a href="#">Pseudognaphalium leucocephalum</a>	white rabbit-tobacco	Asteraceae	perennial herb	(Jul)Aug-Nov(Dec)	2B.2
<a href="#">Quercus dumosa</a>	Nuttall's scrub oak	Fagaceae	perennial evergreen shrub	Feb-Apr(May-Aug)	1B.1
<a href="#">Senecio aphanactis</a>	chaparral ragwort	Asteraceae	annual herb	Jan-Apr(May)	2B.2
<a href="#">Suaeda taxifolia</a>	woolly seablite	Chenopodiaceae	perennial evergreen shrub	Jan-Dec	4.2
<a href="#">Symphyotrichum greatae</a>	Greata's aster	Asteraceae	perennial rhizomatous herb	Jun-Oct	1B.3
<a href="#">Texosporium sancti-jacobi</a>	woven-spored lichen	Caliciaceae	crustose lichen (terricolous)		3

### Suggested Citation

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#### Questions and Comments

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## United Water Conservation District

### Freeman Diversion Fish Passage Facility Geotechnical Exploration Project

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

The Mitigation Monitoring and Reporting Program (MMRP) is a CEQA-required component of the Mitigated Negative Declaration (MND) process for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (Project). The results of the environmental analyses, including proposed mitigation measures, are documented in the Final MND. CEQA requires that agencies adopting MNDs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. As part of the CEQA environmental review procedures, Public Resources Code (PRC) Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency (i.e., United Water Conservation District [District]) must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in PRC Section 21081.6(a)(1):

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

The MMRP is provided in **Table 1**. The table lists each of the mitigation measures proposed in the Final MND and specifies the agency responsible for implementation of the mitigation measure and the time period for the mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program, Freeman Diversion Fish Passage Facility Geotechnical Explorations Project**

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
Air Quality	<p><b>Mitigation Measure AQ-1: Best Management Practices to Reduce Fugitive Dust, Reactive Organic Compound, and Nitrogen Oxide Emissions.</b></p> <p>The following measures will be implemented during/ following geotechnical exploration activities to the extent possible.</p> <ul style="list-style-type: none"> <li>• The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.</li> <li>• Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (screened water from the District’s diversion facilities) should penetrate sufficiently to minimize fugitive dust during grading activities.</li> <li>• Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:</li> <li>• All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as</li> </ul>	District and construction contractor	Prior to and during construction

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<p>appropriate. Watering shall be done as often as necessary.</p> <ul style="list-style-type: none"> <li>• Graded and/or excavated inactive areas of the construction site shall be monitored by the District at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the project site that are inactive for over 4 days, as determined to be necessary and/or as part of normal District operations. For the geotechnical exploration areas that are located outside of the existing footprint of the Freeman Diversion facility and outside of the Santa Clara River channel, if no further grading or excavation operations are planned for the area, disturbed areas should be seeded with a native seed mix and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.</li> <li>• Signs shall be posted onsite limiting traffic to 15 miles per hour or less.</li> <li>• During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent/supervisor shall use</li> </ul>		

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<p>his/her discretion in conjunction with the Ventura County Air Pollution Control District (VCAPCD) in determining when winds are excessive.</p> <ul style="list-style-type: none"> <li>• Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.</li> <li>• Minimize equipment idling time</li> <li>• Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications</li> <li>• Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time</li> <li>• Use alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, if feasible.</li> </ul>		

Biological			
	<p><b>Mitigation Measure BIO-1: Implement Measures to Minimize Potential for Direct Impacts on Steelhead and Steelhead Habitat.</b></p> <p>To minimize potential direct effects of geotechnical explorations on steelhead and its habitat, the District will ensure that the following measures are implemented:</p>	District and construction contractor	Prior to and during construction

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<ul style="list-style-type: none"> <li>• Heavy equipment operation will be limited to the minimum area necessary. Work area boundaries will be clearly identified before investigations begin, and no work will occur outside these work areas unless approved by the District Environmental Scientist responsible for permit compliance. All boundary markers will be removed immediately after work in a given area is complete.</li> <li>• Before entering the site, all equipment will be washed at a location designated by the District Environmental Scientist responsible for permit compliance to ensure equipment is free of mud, algae, snails, and other debris. All equipment will be inspected before leaving the site to ensure it is free of mud and other debris that could contain invasive species.</li> <li>• If an in-channel boring location is vegetated and vegetation removal is not covered by the existing Freeman Diversion Maintenance Project authorizations, the boring will be moved to an alternate location that does not require vegetation trimming/cutting, if feasible. If an appropriate alternative location that would provide the necessary geotechnical data and avoid vegetation trimming/cutting is not available, vegetation impacts will be limited to trimming/cutting the minimum area and extent required to allow access. Vegetation may be cut to near ground level, but complete removal will not occur. Cut vegetation will be immediately removed from and deposited where it cannot re-enter the channel.</li> </ul>		

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<ul style="list-style-type: none"> <li>If areas not covered by the existing Freeman Diversion Maintenance Project authorizations require flow rerouting or dewatering to access boring locations in the Upstream or Downstream Work Area, surveys will be conducted before flow rerouting or dewatering begin in an effort to identify steelhead and other native fish. Relevant areas will be surveyed by two or more biologists/technicians knowledgeable and experienced in steelhead and other native fish identification and ecology. Survey methods may include bank observations and snorkeling. Snorkeling will be conducted when water depth (e.g., &gt;1 foot) or in-channel complexity (e.g., woody debris or riprap) causes bank observations to be ineffective. If conditions are not conducive for confidently surveying the work area for steelhead presence, activities in the affected area will be postponed until such conditions exist or alternate means of access (e.g., crane) will be employed. If steelhead are observed, flow rerouting and/or dewatering in occupied areas will not occur, and the affected boring(s) will be relocated as necessary. If steelhead are not observed, a biologist knowledgeable and experienced in steelhead identification and ecology will be on the site during flow rerouting and/or dewatering to exclude native fish and confirm steelhead do not enter the flow rerouting/ dewatering area. Pacific lamprey ammocoetes found present in the flow rerouting/ dewatering area will be collected and relocated to adjacent suitable habitat.</li> </ul>		



Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<ul style="list-style-type: none"> <li>• All project work will cease if a listed species is observed in the work areas until the individual(s) leaves on its own accord, or until USACE completes additional consultation with USFWS and/or NMFS, as appropriate. If a listed species is observed, project personnel will notify the designated District Environmental Scientist who will be responsible for contacting the USACE as well as CDFW.</li> <li>• A worker environmental awareness training will be provided by a District Environmental Scientist or qualified biologist to all workers before they are allowed access to work areas. A record of trained personnel will be kept by the District Environmental Scientist responsible for permit compliance. The training and associated handout will include contact information for the District Environmental Scientist; a description of required avoidance and minimization measures; information on sensitive species; instructions on correct techniques and procedures for working within the river channel and associated riparian vegetation; instructions to notify the foreman and the District Environmental Scientist in case of a hazardous material spill or equipment leak or upon the discovery of soil or groundwater contamination; instructions to notify the foreman and the District Environmental Scientist if a sensitive species is observed; and instructions that noncompliance with any laws, rules, regulations, or conservation measures could result in a worker being barred from participating in any remaining geotechnical investigations.</li> </ul>		

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<p><b>Mitigation Measure BIO-2: Minimize Potential for Destruction of Western Pond Turtle Nests and Injury or Death of Special-status Reptiles.</b></p> <p>To minimize potential direct effects of geotechnical explorations on special-status reptiles, the District will ensure that the following measures are implemented:</p> <ul style="list-style-type: none"> <li>• Within 10 days before in-channel geotechnical exploration activities begin, a qualified biologist will conduct an initial survey for western pond turtles along the access in-channel access routes and work areas. If a pond turtle is found, it will be allowed to move out of the area on its own. If evidence of an unhatched nest is found, a no-disturbance buffer will be established and implemented around the nest until the eggs have hatched and the young have dispersed from the area.</li> <li>• Immediately before geotechnical exploration activities begin in a given area, a qualified biologist will survey the anticipated disturbance and/or dewatering area for special-status reptiles. If any individuals of target species are found, they will be allowed to move out of the area on their own before equipment moves into the area. If an individual does not leave the area and the biologist determines it can be safely captured, the animal will be relocated to suitable habitat in the vicinity, from which it is unlikely to reenter the work area. Work in the area will not begin until the animal has been relocated or is thought to have left the area on its own.</li> <li>• A worker environmental awareness training will be provided by a District Environmental Scientist or qualified</li> </ul>	<p>District and construction contractor</p>	<p>Prior to and during construction</p>

Potential Environmental Impact	Mitigation Measure	Responsible Agency	Timing
	<p>biologist to all workers before they are allowed access to work areas. A record of trained personnel will be kept by the District Environmental Scientist responsible for permit compliance. The training and associated handout will include contact information for the Districts Environmental Scientist; a description of required avoidance and minimization measures; information on sensitive species; instructions on correct techniques and procedures for working within the river channel and associated riparian vegetation; instructions to notify the foreman and District Environmental Scientist in case of a hazardous material spill or equipment leak or upon the discovery of soil or groundwater contamination; instructions to notify the foreman and District Environmental Scientist if a sensitive species is observed; and instructions that noncompliance with any laws, rules, regulations, or conservation measures could result in a worker being barred from participating in any remaining geotechnical investigations.</p> <ul style="list-style-type: none"> <li>• If a pond turtle or other possible special-status reptile is discovered in a work area during geotechnical exploration activities, it will be allowed to move out of the area on its own. If the individual does not leave the work area, the District Environmental Scientist will be notified, and a qualified biologist will attempt to safely capture and relocate the animal to suitable habitat in the vicinity, from which it is unlikely to reenter the work area. Work in the area will not resume until the animal has been relocated or is thought to have left the area on its own.</li> </ul>		

**Cultural**

**Mitigation Measure CR-1: Address Previously Undiscovered Historic Resources, Archaeological Resources, and Tribal Cultural Resources.**

If cultural resources are identified during Project-related ground-disturbing activities, all potentially destructive work in the 100-feet of the find should cease immediately and the District Environmental Scientist will be notified. In the event of an inadvertent discovery, the District will retain a qualified archaeologist to assess the significance of the find, make a preliminary determination, and if appropriate, provide recommendations for a treatment plan to mitigate further impacts to the resource. Ground-disturbing activities should not resume near the find until the treatment, if any is recommended, is complete or the qualified archaeologist determines the find is not significant.

District and construction contractor

Prior to and during construction

**Mitigation Measure CR-2: Avoid Potential Effects on Undiscovered Burials.**

If human remains are found, the District should be immediately notified. The California Health and Safety Code requires that excavation be halted in the immediate area and that the county coroner be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the coroner must contact the Native American Heritage Commission

District and construction contractor

During construction

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(NAHC) by telephone within 24 hours of making that determination (Health and Safety Code, Section 7050.5[c]).

Once notified by the coroner, the NAHC shall identify the person determined to be the Most Likely Descendant (MLD) of the Native American remains. With permission of the legal landowner(s), the MLD may visit the site and make recommendations regarding the treatment and disposition of the human remains and any associated grave goods. This visit should be conducted within 24 hours of the MLD's notification by the NAHC (PRC, Section 5097.98[a]). If a satisfactory agreement for treatment of the remains cannot be reached, any of the parties may request mediation by the NAHC (PRC, Section 5097.94[k]). Should mediation fail, the landowner or the landowner's representative must reinter the remains and associated items with appropriate dignity on the property in a location not subject to further subsurface disturbance (PRC, Section 5097.98[b]).

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**Geology**

**Mitigation Measure GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan, if required, Implement Erosion Control Best Management Practices, and Comply with Ventura County Standards for Grading and Erosion Control.**

If project activities would disturb more than 1 acre, then activities would be subject to SWRCB's statewide Stormwater General Permit for Construction (2009-0009-DWQ) requirements construction-related stormwater permit requirements of the NPDES program. Any permits will be obtained by the District before any ground-disturbing construction activity.

District and construction contractor

During construction

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If a Construction General Permit is needed, it would also require preparation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies best management practices (BMPs) for erosion control and to prevent or minimize the introduction of contaminants into surface waters. Such BMPs could include, but would not be limited to, silt fencing, straw bale barriers, fiber rolls, storm drain inlet protection, hydraulic mulch, and a stabilized construction entrance. The SWPPP will include development of site-specific structural and operational BMPs to prevent and control impacts on runoff quality, measures to be implemented before each storm event, inspection and maintenance of BMPs, and monitoring of runoff quality by visual and/or analytical means. The SWPPP will also include dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. The BMPs shall be clearly identified and maintained in good working condition throughout the construction process. The construction contractor shall retain a copy of the approved SWPPP on the construction site and modify it as necessary to suit specific site conditions.

If it's determined that a construction General Permit and SWPPP is not necessary for the proposed project, the District would still identify and implement BMPs for erosion control, similar to those listed above, to prevent contaminants entering surface water.

The District would obtain and comply with all provisions of a Ventura County Grading Permit, if required.

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**Mitigation Measure GEO-2: Implement Construction Worker Personnel Training, Stop Work if Paleontological Resources are Encountered During Earthmoving Activities and Implement a Recovery Plan, if Appropriate.**

To minimize the potential for destruction of or damage to potentially unique, paleontological resources during earth-moving activities, the District will implement the measures described below.

- Before the start of construction activities at the project site, construction personnel involved with earth-moving activities (including the site superintendent) will be informed of the possibility of encountering fossils and proper notification procedures should potential fossils be encountered. This worker training may be prepared and presented by an experienced field archaeologist at the same time as construction worker education on cultural resources is presented.
- If paleontological resources are discovered during earth-moving activities, the construction crew will notify the District and will immediately cease work in the vicinity of the find. The District will retain a qualified paleontologist to inspect the discovery and determine whether further investigation is required. If the discovery can be avoided and no further impacts will occur, no further effort shall be required.
- If the resource cannot be avoided and may be subject to further impact, a qualified paleontologist shall evaluate the resource in accordance with SVP Guidelines (2010) and determine whether it is “unique” under CEQA, Appendix G, part VII. The determination and associated

District and  
construction  
contractor

During construction

plan for protection of the resource shall be provided to the District for review and approval. If the resource is determined not to be unique, work may commence in the area. If the resource is determined to be a unique paleontological resource, work shall remain halted, and the paleontologist shall consult with the District staff regarding methods to ensure that no substantial adverse change would occur to the significance of the resource pursuant to CEQA.

- Preservation in place (i.e., avoidance) is the preferred method of mitigation for impacts to paleontological resources and shall be required unless there are other equally effective methods. Other methods may be used but must ensure that the fossils are recovered, prepared, identified, catalogued, and analyzed according to current professional standards under the direction of a qualified paleontologist. All recovered fossils shall be curated at an accredited and permanent scientific institution according to Society of Vertebrate Paleontology standard guidelines; typically, the Natural History Museum of Los Angeles County and University of California, Berkeley accept paleontological collections at no cost to the donor. Work may commence upon completion of treatment, as approved by the District.

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**Hydrology/Water Quality**

**Mitigation Measure HAZ-1: Implement Best Management Practices to Minimize the Potential Release of Hazardous Materials.**

Project-related vehicles and equipment will be maintained prior to site access and checked and maintained daily to prevent leaks of materials that, if introduced to the water, could be deleterious. Equipment fueling will occur outside the

District and construction contractor

During construction



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channel whenever possible. If a stationary piece of equipment cannot be readily moved out of the channel for fueling, a containment system will be used to capture any accidental spill. Onsite fueling trucks and fueling areas will contain spill kits and/or other spill protection devices. Vehicle and equipment fluid spills will be cleaned up immediately. Equipment and material staging/storage will occur outside the channel.

No project-related hazardous substances will be allowed to contaminate the soil and/or enter into or be placed where it may be washed by rainfall or runoff into the Santa Clara River.

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**Notice of Determination****Appendix D****To:**

Office of Planning and Research  
*U.S. Mail:* \_\_\_\_\_ *Street Address:* \_\_\_\_\_  
 P.O. Box 3044 1400 Tenth St., Rm 113  
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
 County of: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

**From:**

Public Agency: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone: \_\_\_\_\_

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): \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location (include county): \_\_\_\_\_

Project Description:

This is to advise that the \_\_\_\_\_ has approved the above  
 ( Lead Agency or  Responsible Agency)

described project on \_\_\_\_\_ 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:

\_\_\_\_\_  
 Signature (Public Agency): \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_



**Staff Report**

**To:** Engineering and Operations Committee

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Craig Morgan, Senior Engineer

**Date:** August 26, 2021 (September 2, 2021 Committee Meeting)

**Agenda Item:** **3.2 Geotechnical Investigation at the Freeman Diversion Contract Award to GEI Consultants, Inc.**  
**Motion**

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**Staff Recommendation:**

The committee will consider recommending approval of the motion item, awarding a consulting engineering contract to GEI Consultants, Inc. in the amount of \$499,724 (includes 9% contingency or \$41,403 to be used upon the District's written authorization only) and authorize the General Manager to execute the contract with GEI Consultants, Inc. for the Geotechnical Investigation at the Freeman Diversion, to the full Board.

**Background:**

Currently, new fish passage alternatives are being designed for the Freeman Diversion. As the alternatives develop additional information is needed to advance the design. The proposed geotechnical investigation, in conjunction with the historic geotechnical investigations will be a critical component of the design as it will inform the design team in how the fish passage alternative will be founded.

As with the Freeman Diversion, the new fish passage alternative will have to found on the existing bedrock/siltstone that is present in the region. This will mean that excavations ranging from 25 to 50 feet below ground surface will likely be required to uncover the bedrock/siltstone.

**Discussion:**

GEI Consultants, Inc. scope of work includes thirteen sub-surface borings, 8 test pits, the installation of 1 hillside inclinometer and lab testing that will all be documented in a Geotechnical Data Report and subsequent Geotechnical Evaluation Report that will be used to inform the engineering design by the fish passage alternative design firms.

The work will be achieved by using a track driven drill rig for the borings and a backhoe or dozer for the test pits. All of the work will be supported by a trailer that will transport all of the necessary tools and equipment required to carry out the work.

There are three borings in the river that require special permitting and can only be performed in a specific roughly 6-week time slot in between nesting season and the anticipated start of the rain

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**Agenda Item: 3.2 Geotechnical Investigation at the Freeman Diversion Contract Award to GEI Consultants, Inc.**

**Motion**

season. Staff has worked with a consultant to assemble and process the necessary permits. Staff has also notified adjacent property owners of the impending work.

**Fiscal Impact:**

The total geotechnical investigation cost of \$499,724 (includes 9% contingency or \$41,403 to be used upon the District's written authorization only) is included in the Fiscal Year 2021-22 Capital Improvement Project (CIP) Budget (CIP No. 8001). No additional funding is requested.

Attachment A: Agreement

**AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into on \_\_\_\_\_, 2021, by and between the **United Water Conservation District**, Ventura County, California, (hereinafter “**UNITED**”), and **GEI Consultants Inc.** (hereinafter “**CONSULTANT**”).

**RECITALS:**

WHEREAS, UNITED desires to obtain professional land surveying consultation services in connection with the **Supplementary Geotechnical and Geological Exploration Program for the Hardened Ramp Fish Passage Alternative** (“Project”); and

WHEREAS, UNITED has selected CONSULTANT to provide such services; and

WHEREAS, CONSULTANT represents that it has the skills, experience, license, and expertise to perform these professional services for UNITED; and

WHEREAS, UNITED is desirous of engaging the services of CONSULTANT to perform these services;

NOW, THEREFORE, based on the terms and covenants set forth herein, UNITED and CONSULTANT mutually agree as follows:

**1. EMPLOYMENT**

A. UNITED hereby employs CONSULTANT to perform and complete the professional land surveying services as set forth in Exhibit “A” (“Scope of Work/Schedule of Charges”). CONSULTANT shall perform such professional services as set forth in Exhibit “A” and shall furnish or procure the use of incidental services, equipment, and facilities reasonably necessary for the completion of services.

B. Any extra work over and above that included in the Scope of Work included in Exhibit “A” shall be in compliance with Section 3D.

C. CONSULTANT represents that its services shall be performed, within the limits prescribed by UNITED, in a manner consistent with the level of care and skill ordinarily exercised by other land surveying professionals under similar circumstances at the time and in the vicinity its services are performed.

D. **Rich Sanchez** shall: (a) personally perform or supervise the performance of services on a day-to-day basis on behalf of CONSULTANT; and (b)

maintain direct communication with UNITED's **Senior Engineer** or designee in the performance of CONSULTANT's services.

E. CONSULTANT in the performance of services hereunder shall fully comply with any and all local, state and federal laws, regulations, ordinances, and policies applicable to its work, including any licensing laws applicable to CONSULTANT's profession and anti-discrimination laws pertaining to employment practices.

F. In the event of any conflict between the terms and conditions set forth in Exhibit A (Scope of Work/Schedule of Charges) versus those terms and conditions set forth in this Agreement, the terms and conditions set forth in this Agreement shall govern and the conflicting terms and conditions in Exhibit A shall not apply.

## **2. TERM OF AGREEMENT**

Unless otherwise earlier terminated as specified in Section 8, this Agreement shall commence on the date set forth above and shall expire on **January 31, 2022**.

## **3. COMPENSATION**

Payment by UNITED for the consulting services shall be considered as full compensation for all personnel, materials, supplies, and equipment used in carrying out the work.

A. Compensation and payments to the CONSULTANT shall be as described below:

1. UNITED shall compensate CONSULTANT on a time and expenses basis not to exceed **Four Hundred Ninety-Nine Thousand Seven Hundred Twenty-Four Dollars (\$499,724.00) (includes 9% contingency or \$41,403 to be used upon the District's written authorization only)** for performing all services authorized and required by this Agreement and specified in Exhibit "A." UNITED shall compensate CONSULTANT only for actual costs incurred on a time and expenses basis, but in no event shall the total compensation be greater than the not to exceed amount above. However, the total amount paid on a time and expenses basis may be lower than the not to exceed amount above based on actual costs incurred. Payment shall be made in accordance with CONSULTANT's Schedule of Charges submitted to UNITED, included in Exhibit "A" attached and incorporated by reference herein.

2. CONSULTANT shall provide UNITED with monthly itemized invoices. Invoices shall include the categories and identities of CONSULTANT's employees performing services, a description of the services, the number of hours spent performing services, the hourly rate for each employee, CONSULTANT's actual costs and expenses, and the total amount of compensation requested by

CONSULTANT for that month. Upon UNITED's request, CONSULTANT shall include with its monthly invoices a detailed verification, including accounting records, of the work actually performed and costs and expenses incurred, along with any other documents or information reasonably requested by UNITED.

B. UNITED shall pay CONSULTANT within thirty (30) days after receipt of CONSULTANT's invoices, with the exception of any disputed amounts which shall be withheld until resolution of the dispute. If UNITED has reasonable grounds to believe that CONSULTANT will be unable to materially perform the services under this Agreement, or there exists or may exist a claim against CONSULTANT arising out of CONSULTANT's negligence or intentional acts, errors, omissions, or material breach of any provision of this Agreement, then UNITED may withhold payment of any reasonable amount due to CONSULTANT which is directly related to such negligence, intentional act, error, omission or material breach. No payment made under this Agreement shall be conclusive evidence of CONSULTANT's performance of the Agreement, either wholly or in part, and no payment shall be construed to be an acceptance by UNITED of CONSULTANT's work.

C. CONSULTANT shall notify UNITED in writing of the need for additional services required due to the circumstances beyond the CONSULTANT's control ("Additional Services"). The CONSULTANT shall obtain written authorization from UNITED before rendering any Additional Services. Compensation for all approved Additional Services shall be negotiated and approved in writing by UNITED before such Additional Services are performed by CONSULTANT. No compensation shall be paid to the CONSULTANT for any Additional Services that are not previously approved by UNITED in writing.

D. Reimbursable expenses, if applicable, are in addition to compensation for services outlined in the Scope of Work and Additional Services, and shall be paid to the CONSULTANT in accordance with the guidelines specified on Exhibit "B". Reimbursable expenses are paid at the actual costs, without mark-ups, incurred by the CONSULTANT and the CONSULTANT's employees in conduct of Agreement activities.

#### **4. SCHEDULE OF WORK**

CONSULTANT shall complete and deliver services and deliverables to UNITED in a diligent and professional manner, in accordance with the Project schedule set forth in Exhibit "A" attached and incorporated by reference herein. Time is of the essence in CONSULTANT's performance of services hereunder.

CONSULTANT's Project Manager shall keep UNITED's **Senior Engineer** or designee informed as to the progress of work by informal reports. Neither party shall hold the other responsible for damages or delay in performance caused by acts of God,

strikes, lockouts, accidents, or other events beyond the reasonable control of the other or the other's employees and agents.

## **5. ASSIGNMENT OF CONTRACT**

This Agreement is a professional services contract. CONSULTANT shall not assign this Agreement or any portion of the work without the prior written approval of UNITED. Any such assignment without UNITED's prior written approval shall be void. UNITED may withhold such approval for any reason in its sole discretion.

## **6. INDEMNIFICATION**

A. To the fullest extent permitted by law, CONSULTANT agrees to indemnify and hold UNITED entirely harmless from all liability arising out of:

1. Workers' Compensation and Employer's Liability. Any and all claims under Workers' Compensation acts and other employee benefit acts with respect to CONSULTANT's employees or CONSULTANT's subconsultant's employees arising out of CONSULTANT's work under this Agreement; and

2. General Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify, defend and hold UNITED harmless from any liability for damages for (1) death or bodily injury to person; (2) injury to, loss or theft of property; (3) any failure or alleged failure to comply with any provision of law; or (4) any other loss, damage or expense arising under either (1), (2), or (3) above, sustained by the CONSULTANT or UNITED, or any person, firm or corporation employed by the CONSULTANT or UNITED upon or in connection with the Project, except for liability resulting from the sole or active negligence, or willful misconduct of UNITED, its officers, employees, agents, or independent consultants who are directly employed by UNITED. The CONSULTANT, at its own expense, cost, and risk, shall defend any and all claims, actions, suits, or other proceedings (other than professional negligence covered by Section A-3 below) that may be brought or instituted against UNITED, its officers, agents, or employees, to the extent such claims, actions, suits, or other proceedings arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONSULTANT, and shall pay or satisfy any judgment that may be rendered against UNITED, its officers, agents, or employees, in any action, suit or other proceedings as a result thereof. Any costs to defend under this Section A-2 shall not exceed the CONSULTANT's proportionate percentage of fault; and

3. Professional Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify and hold UNITED harmless from any loss, injury to, death of persons, or damage to property caused by any act, neglect, default, or omission of the CONSULTANT, or any person, firm, or



corporation employed by the CONSULTANT, either directly or by independent contract, including all damages due to loss or theft, sustained by any person, firm, or corporation, including UNITED, arising out of, or in any way connected with, the Project, including injury or damage either on or off UNITED property; but not for any loss, injury, death, or damages caused by sole or active negligence, or willful misconduct of UNITED. With regard to the CONSULTANT's obligation to indemnify for acts of professional negligence, such obligation does not include the obligation to provide defense counsel or to pay for the defense of actions or proceedings brought against UNITED, but rather to reimburse UNITED for attorneys' fees and costs incurred by UNITED in defending such actions or proceedings brought against UNITED, and such fees and costs shall not exceed the CONSULTANT's proportionate percentage of fault.

## **7. INSURANCE**

A. CONSULTANT shall procure and maintain for the duration of this Agreement, and for injuries which occur and claims which are made after the services herein are provided, insurance policies in accordance with the requirements set forth in Exhibit "C" attached and incorporated by reference herein. CONSULTANT shall also provide UNITED with a certificate of insurance attesting to its professional liability (errors and omissions) coverage and all required additional insured endorsements.

B. Submission of insurance certificates or endorsements or other proof of insurance shall not relieve CONSULTANT from liability under the indemnification provisions of Section 6. CONSULTANT's obligations in accordance with Section 6 shall apply whether or not such insurance policies shall have been determined to apply to any of such claims, damage, lawsuits, losses or liabilities covered by Section 6.

C. By its signature hereto, CONSULTANT certifies that it is aware of the provisions of California Labor Code Section 3700 which requires every employer to be insured against liability for workers compensation' or to undertake self-insurance as specified. CONSULTANT shall comply with these provisions before commencing work under this Agreement.

## **8. TERMINATION OF AGREEMENT**

### **A. Termination for Cause**

1. UNITED may terminate CONSULTANT's services for cause, whereupon this Agreement shall terminate immediately. Termination may occur regardless of whether CONSULTANT's services are completed. Any termination or special instructions from UNITED shall be made in writing.

2. Termination for cause may occur upon any of the following events: (a) CONSULTANT's material breach of this Agreement; (b) abandonment or lack of diligence in performance of the work by CONSULTANT; (c) cessation, suspension, revocation or expiration of any license needed by CONSULTANT to provide services hereunder; (d) failure of CONSULTANT to substantially comply with any local, state or federal laws, regulations, ordinances or policies applicable to its work hereunder; (e) filing by or against CONSULTANT of bankruptcy or any petition under any law for relief of debtors; or (f) conviction of CONSULTANT or its principal representative or personnel for any crime other than minor traffic offenses.

3. Subject to the provisions of Section 8.B herein, CONSULTANT shall be paid for all approved services performed and approved expenses incurred to the date of termination for cause supported by documentary evidence, including payroll records and expense reports, up to the date of the termination. In the event of termination for cause, all damages and costs associated with the termination, including increased consultant and replacement consultant costs, shall be deducted from any payments due to CONSULTANT.

4. In the event a termination for cause is determined to have been made wrongfully or without cause, then the termination shall be treated as a termination for convenience in accordance with Section 8.B below, and CONSULTANT shall have no greater rights than it would have had if a termination for convenience had been effected in the first instance. No other loss, cost, damage, expense or liability may be claimed, requested or recovered by CONSULTANT.

B. Termination Without Cause/For Convenience. This Agreement may be terminated without cause by UNITED or for UNITED's convenience upon fourteen (14) days' written notice to the CONSULTANT. In the event of a termination without cause, UNITED shall pay the CONSULTANT for all approved services performed and all approved expenses incurred under this Agreement supported by documentary evidence, including payroll records and expense reports, up until the date of the notice of termination. In addition, CONSULTANT will be reimbursed for reasonable termination costs through the payment of 3% beyond the sum due the CONSULTANT under this section through 50% completion of the CONSULTANT's portion of the Project and, if 50% completion is reached, payment of 3% of the unpaid balance of the contract to CONSULTANT as termination cost. This 3% is agreed to compensate the CONSULTANT for the unpaid profit CONSULTANT would have made under the Project on the date of termination and is consideration for entry into this termination for convenience clause.

C. In the event of termination with or without cause, CONSULTANT shall promptly provide to UNITED all Project Documents as defined in Section 9 below within five (5) calendar days from the effective date of termination. Failure to provide all Project Documents as required shall be deemed a material breach of this Agreement.

D. In the event of a dispute as to the performance of the work or an interpretation of this Agreement, or payment or nonpayment for work performed or not performed, the parties shall attempt to resolve the dispute. Pending resolution of the dispute CONSULTANT agrees to continue the work diligently to completion. If the dispute is not resolved, CONSULTANT agrees it will neither rescind the Agreement nor stop the progress of work, but CONSULTANT's sole remedy will be to submit such controversy to determination by a court having competent jurisdiction of the dispute as required by this Agreement after the Project has been completed and not before.

## **9. PROFESSIONAL SERVICES**

A. The CONSULTANT is employed to render a professional service(s) only and any payments made to it are compensation solely for such services as it may render and recommendations it may make in the performance of services.

B. All plans, specifications, construction documents, data, records, files, communications, information, reports and/or other documents that are prepared, generated, reproduced, maintained and/or managed by the CONSULTANT or CONSULTANT's subconsultants arising from or in any way related to the services provided under this Agreement (regardless of medium, format, etc.) shall be and remain the property of UNITED ("Project Documents"). UNITED may provide the CONSULTANT with a written request for the return of the Project Documents at any time. Upon CONSULTANT's receipt of UNITED's written request, CONSULTANT shall return the requested Project Documents to UNITED within five (5) calendar days. CONSULTANT may make copies of the work generated. Failure to comply with any such written request above shall be deemed a material breach of this Agreement. Nothing in this paragraph shall be deemed a waiver of any copyright in the Project Documents prepared by the CONSULTANT. Any unauthorized reuse or modification of such Project Documents other than for purposes intended by CONSULTANT or for the Project shall be at UNITED's risk and liability.

C. CONSULTANT agrees that all dealings of the parties under this Agreement shall be confidential and no Project Documents or information developed, prepared or assembled by CONSULTANT under this Agreement, or any information made available to CONSULTANT by UNITED, shall be revealed, disseminated or made available by CONSULTANT to any person or entity other than UNITED without the prior written consent of UNITED, unless otherwise required by subpoena or applicable law or regulatory authority.

## **10. INDEPENDENT CONTRACTOR RELATIONSHIP**

It is expressly understood between the parties that no employee/employer relationship is intended, the relationship of CONSULTANT to UNITED being that of an independent contractor. UNITED shall not be required to make any payroll

deductions or provide Worker's Compensation Insurance coverage or health benefits to CONSULTANT. CONSULTANT is solely responsible for selecting the means, methods and procedures for performing its services hereunder as assigned by the UNITED and for coordinating all portions of the work so the results will be satisfactory to UNITED. CONSULTANT will supply all tools and instruments required to perform its services under this Agreement.

**11. ASSISTANCE BY UNITED**

It is understood and agreed that the UNITED shall, to the extent reasonable and practicable, assist and cooperate with CONSULTANT in the performance of CONSULTANT's services hereunder. Such assistance does not include, in any manner, the exercise of professional judgment for which CONSULTANT is being retained herein. Such assistance and cooperation to be provided by UNITED as applicable includes, but shall not be limited to, providing right of access to work sites; providing material available from the UNITED's files such as maps, as-built drawings, records and operation and maintenance information; and rendering assistance in determining the location of existing facilities and improvements which may be affected by the Project. CONSULTANT shall otherwise be responsible for giving all notices and complying with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority relating to the work.

**12. ADDITIONAL PROVISIONS**

A. Examination of Records

CONSULTANT agrees that UNITED shall have access to and the right to examine at any reasonable time and on reasonable notice CONSULTANT's documents, papers and records, including accounting records, relating to its performance under this Agreement.

B. Notice

All notices or other official correspondence relating to contractual matters between the parties shall be made by depositing the same as first-class, postage paid mail addressed as follows:

To CONSULTANT: Rich Sanchez  
Principal  
GEI Consultants Inc.  
180 Grand Avenue, Suite 1410  
Oakland, CA 94612

To UNITED: Craig Morgan  
Senior Engineer  
United Water Conservation District

1701 N. Lombard Street, Suite 200  
Oxnard, CA 93030

or such other address as either party may designate hereinafter in writing delivered to the other party. All notices shall be agreed to have been received three (3) days after mailing.

C. No Waiver

No failure or delay by UNITED in asserting any of UNITED's rights and remedies as to any default of CONSULTANT shall operate as a waiver of the default, of any subsequent or other default by CONSULTANT, or of any of UNITED's rights or remedies. No such delay shall deprive UNITED of its right to institute and maintain any actions or proceedings which may be necessary to protect, assert or enforce any rights or remedies arising out of this Agreement or the performance of this Agreement.

D. Integration

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereto, and supersedes all prior agreements, oral or written, and all prior or contemporaneous discussions or negotiations between the parties.

E. Modification

No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties.

F. Rules of Interpretation

The terms of this Agreement have been negotiated by the parties and the language used in this Agreement shall be deemed to be the language chosen by the parties to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the party causing such instrument to be drafted, or in favor of the party receiving a particular benefit under this Agreement. No rule of strict construction shall be applied against any party to this Agreement.

G. Partial Invalidity

If any term, covenant, condition, or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

H. Incorporation of Recitals and Exhibits

The foregoing recitals and exhibits are incorporated herein as though fully set forth.

I. California Law; Dispute Resolution; Venue

This Agreement shall be interpreted and construed pursuant to the laws of the State of California, regardless of whether this Agreement is executed by any party in another state or otherwise. If a dispute arises between the parties related to this Agreement or the breach thereof, the parties shall first attempt in good faith to settle the matter through discussion, and if unsuccessful may in their discretion mutually agree to mediate the dispute prior to filing a judicial action. The costs of a third-party mediator, if utilized, shall be borne equally by the parties. If either party elects to file an action in court, such action shall be filed and heard in a court of competent jurisdiction in the County of Ventura.

J. Counterparts

This Agreement may be executed in multiple counterparts, a complete set of which shall be deemed to be an original and all of which together shall comprise but a single document. Signatures may be given via facsimile transmission and shall be deemed given as of the date of facsimile transmittal of the executed Agreement by one party to the other.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

UNITED WATER CONSERVATION DISTRICT

By \_\_\_\_\_  
Mauricio E. Guardado Jr., General Manager

GEI Consultants Inc.

By \_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT “A” TO AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall provide professional land surveying consultation services under this Agreement in accordance with work described in the attached **Scope of Work** and **Schedule of Charges**.

August 25, 2021

Consulting  
Engineers and  
Scientists

Mr. Craig Morgan, PE  
Senior Engineer  
United Water Conservation District  
106 North 8<sup>th</sup> Street  
Santa Paula, CA 93060

**Subject: Freeman Diversion Fish Passage Facility – Hardened Ramp Option – Revised Scoping of the Supplemental Geotechnical and Geological Exploration Program, Cost Estimate and Work Duration Estimate, Ventura County, California**

Dear Mr. Morgan:

GEI Consultants, Inc. (GEI) has prepared a revised scope, cost, and schedule for a Geotechnical and Geologic Exploration program to inform final design and construction of the Freeman Diversion Fish Passage Facility – Hardened Ramp option at the Freeman Diversion Structure, owned by United Water Conservation District (UWCD).

The basis of the services and associated cost described below is primarily based on the existing design and footprint of the proposed structure and a recent geologic and geotechnical site reconnaissance performed by our team on July 28, 2021. The scope, cost and schedule were prepared by GEI to define the exploration program, assumptions, and level of effort required to inform geotechnical site conditions for final design of the Hardened Ramp option.

## BACKGROUND AND OBJECTIVES

The design configuration of the ramp along with a recommended exploration program are presented in the document titled, Vern Freeman Diversion, Geologic and Geotechnical Evaluation of Proposed Intake Structure, dated February 24, 2020 (February 2020 Report).

The February 2020 Report summarized the geologic and geotechnical evaluation by GEI of the proposed location of the fish ladder intake structure in the left abutment of Freeman Diversion. The February 2020 Report was prepared as a supplemental document to the Draft Preliminary Geotechnical Desktop Study submitted in November 2019 (2019 Geotechnical Desktop Study). The general scope of the evaluation included the following:

- Reviewing existing data and information;
- Perform desktop review of Ventura County 2018 LiDAR;



- Field geologic mapping; performing a supplemental geologic and geotechnical assessment of the proposed intake structure (Hardened Ramp and Vertical Slot Alternative) locations; and
- Preparing the report.

The report also provided scoping recommendations for a supplemental subsurface exploration program to the previous geotechnical borings that were drilled at the site by Dames and Moore in 1982 and 1987, and NV5 in 2012 and 2016. Preliminary locations of supplemental explorations, as well as reasoning for the explorations, are included in Appendix B of the February 2020 Report for the Hardened Ramp Alternative and are attached for reference. The report also recommended seismic refraction lines be performed at horizontal and perpendicular transects across the project footprint to assist in the characterization of bedrock contact depth and rippability. Additional recommendations for inclinometer installation to monitor potential slope movement above the footprint of the Hardened Ramp Alternative.

At the request of UWCD, GEI has developed a scope narrative, assumptions, and a cost estimate summary associated with a supplemental exploration program, as described in the sections that follow.

## SCOPE OF SERVICES

We understand the general scope to include geotechnical exploration and preparation of documentation of the field findings in a data and geotechnical evaluation reports. The findings will be utilized to advance the design drawings beyond 30% design and better inform construction contracting and estimating. The focus of the exploration program is to address the Hardened Ramp option. The scope, cost and schedule are developed based on the preliminary exploration plan outlined in GEI's February 2020 Report, attached. Details of each task with assumptions are described below.

### Task 1 Exploration Planning

Task 1, Exploration Planning is currently being performed as part of the Professional Services Agreement between UWCD and GEI, dated July 7, 2021.

### Task 2 Field Exploration

The exploration plan and rationale table for the explorations is based on a preliminary exploration plan from the GEI February 2020 Report. A total of 12 borings (BHR-1 through BHR-12) were originally proposed with depths ranging from 20 to 45 feet below ground surface (bgs). Boring BHR-13 was added to the program and cost estimate; and is proposed to a depth of approximately 165-feet bgs. The location of BHR-13 is within the landslide mass to the south of the proposed structure. The purpose of this deeper boring is to characterize the landslide failure plane depth and install an inclinometer in the landslide mass for monitoring purposes. Additionally, boring BHR-7 along the proposed structure will be extended to a depth of 100 feet bgs to collect a site-specific  $V_{s30}$  value. This boring may be adjusted based on the anticipated depth to bedrock. We have assumed two of the borings will be converted to open standpipe piezometers at a depth of 20 feet bgs.

We have included a seismic refraction survey up to 1,500 lineal feet. The purpose of the survey will be to identify top of rock and the rippability of the bedrock. We have also included two-days of test pitting of 6 test pits up to 12 feet bgs. The revised exploration plan with the borings, test pits and seismic refraction

lines described above and a rationale table for the boring locations is included as an attachment to this scope of services.

Generally, drilling techniques will include augering in the overburden (alluvium) until refusal or if groundwater is encountered. Upon reaching groundwater, refusal, or bedrock, we will switch over to mud rotary technique. Sampling interval in the overburden will vary between 2-to-5-feet using SPT or Mod Cal samplers. Depending on the characteristics of the bedrock, either drive samples, or HQ-size rock coring will be conducted.

**Assumptions:** We have assumed the following for conducting the field exploration in the cost and schedule estimates.

- Drilling to depths discussed above, shown in the attached rationale table.
- A limited access track mount rig will be used.
- The estimated field project duration will be up to 15 days.
- Boring locations within the Santa Clara riverbed will be backfilled with sand and capped with native soil.
- Boring locations outside the Santa Clara riverbed will be backfilled with cement-bentonite grout and capped to grade.
- Drilling will occur during normal working hours generally between 7 AM and 7 PM, typically during a 10-hour shift. The exact duration and length of a working day will depend on a variety of factors. We assume there are not special site limitations for when the work can be performed. The actual duration and associated costs of the field exploration program will be based on field conditions encountered and any permitting agency requirements as the program is conducted.
- Drilling fluids and soil cuttings can be stored in tanks, drums, or bins and stored in a secure area on site until the end of exploration activities. The tanks/drums/bins can be stored on the Project site for several days prior to off-site disposal.
- Soil cuttings will be classified as non-hazardous materials for disposal. Additional fees will be required if the soil cuttings are tested to be hazardous and require special handling and disposal at special facilities.
- Access to and from the riverbed locations are assumed to be up to 4 hours per day.
- Any environmental permits will be procured by UWCD. It is assumed no extra-ordinary environmental procedures or training are required at the site than are standard best management practices (BMP's).
- Environmental permits will allow for low ground pressure track equipment to be used in lieu of equipment mats to access the exploration locations.
- Ventura County boring/well permits will be required and will be obtained by GEI with assistance from the District.
- The test pits will not be entered at depths greater than 5-feet, or as deemed safe by the Competent Person (as defined by OSHA). For example, no shoring will be used in the test pitting activities.
- We assume there will be a source of water for drilling on-site or nearby.

- We have assumed that baseline readings for the piezometers and inclinometer will be taken after completing installation construction. Additional readings will be conducted by UWCD.
- Our field services, including subcontractors, are subject to prevailing wage.

### Task 3 Laboratory Testing

Following completion of the subsurface exploration and any necessary sample inspection, recovered soil samples will be selected for laboratory testing. Geotechnical laboratory testing will be performed to aid in classification, confirm previous characterization, and develop engineering parameters needed for the Project. Laboratory tests will be performed on selected soil samples from the exploratory borings and bulk samples for the test pits.

Laboratory tests may include material classification tests (grain size tests, plasticity tests, moisture content, and unit weight); laboratory compaction characteristic tests; triaxial or direct shear strength tests; and unconfined compressive strengths in rock. All laboratory testing will be performed according to ASTM standards.

**Assumptions:** We have assumed an estimated budget amount that is based on parametrics from similar geotechnical explorations, laboratory rates, and a minimal amount of GEI labor to facilitate the laboratory testing.

### Task 4 Geotechnical Data Report

A Geotechnical Data Report (GDR) will be prepared to summarize the review and analysis of existing data, the field exploration, the results of the laboratory testing program, and the encountered subsurface conditions. The GDR will include boring, test pit logs, boring data summaries, field, and laboratory test data, limited geologic profiles and cross-sections, and selected photographs. Pertinent data from previous studies will be included as appendices. The GDR will first be submitted as a draft to UWCD for review and comment. UWCD's comments will be incorporated into the GDR.

**Assumptions:** We have assumed there will be one consolidated round of comments for the draft report. We have also assumed that a digital copy will be provided for the draft, and two hard copies and a digital copy will be provided to UWCD for the final.

### Task 5 Geotechnical Analyses and Preparation of a Geotechnical Evaluation Report

GEI will update the subsurface characterization for the site, geotechnical design criteria and seismic and geotechnical analysis based on the supplemental exploration program. GEI will evaluate the field and laboratory data compiled and reported in Tasks 2 through 4 to develop design recommendations and construction considerations to be used by the civil and structural design team in preparation of the final design. GEI will incorporate these design recommendations and construction considerations into a Geotechnical Evaluation Report (GER) addressing the following:

- Evaluation of the materials suitability as excavated and whether or not the materials could be used as backfill.
- Preparation or stabilization measures for foundations or trench subgrades.
- Temporary and permanent grading recommendations.

- Recommendations for stable slope inclinations excavations and other cut and fill grading associated with the Project.
- Rippability and excavatability of foundation subgrades and excavations in rock materials.
- Discussion of groundwater, including elevations and applicable dewatering methods, excluding dewatering system design.
- Uplift considerations for below grade structures and recommendations for foundation cutoff wall depths, if necessary.
- Discussion of the seismicity in the area of the project and the magnitude and impact of ground shaking at the site.
- Liquefaction potential and potential for seismic settlements at the site.
- Further evaluation of geotechnical feasibility and design recommendations for foundation alternatives such as RCC embankments, secant or soldier piles or rock socketed drilled shafts extending into bedrock.
- Geotechnical considerations and design parameters and design recommendations for temporary cofferdam and underpinning (or ground improvement), if necessary, for the adjacent existing structure.
- Geotechnical design parameters will also be provided to evaluate the overall structural stability of the structures and the new ramp.
- Allowable bearing, active, and passive pressures for permanent structures and below grade walls under dry and saturated conditions.

**Assumptions:** We have assumed there will be one consolidated round of comments for the draft report. We have also assumed that a digital copy will be provided for the draft, and two hard copies and a digital copy will be provided to UWCD for the final.

### Task 6 Project Management and Meetings

This task will include project management activities such as coordination and updating project status with UWCD staff, documentation of key meetings, and updating of budgets and schedule for the anticipated duration of the project.

**Assumptions:** We have assumed there will be eight 1-hour meetings that include three GEI staff during the duration of the project.

### ESTIMATED BUDGET AND SCHEDULE

The estimated cost of the design level geologic and geotechnical exploration and reporting program is summarized in Table 1 below and a breakdown of cost is attached. The scope for Task 1, Exploration Planning, has already been approved in a previous task order for a budget of \$25,000. The revised scope and budget attached includes the remaining tasks (Task 2 through 6) necessary to complete the geotechnical geologic exploration program and reporting.

Based on the scope described in Tasks 2 through 6 above, the estimated planning level budget for this task order is \$499,700. This budget includes a contingency of \$41,400 based on 15 percent of the total geotechnical exploration (Task 2) budget. This contingency was added to account for unforeseen considerations beyond UWCD’s and GEI’s Control (i.e., weather delays, permit restrictions or challenging subsurface conditions) that could lengthen the duration or material costs associated with drilling exploration program estimated by GEI for this task.

We have provided a schedule duration for each task within Table 1 that would start based on receipt of notice to proceed (NTP). Some borings will have site access limitations due to seasonal flow in the Santa Clara River. It should also be noted, provided the difficulties created by the ongoing COVID-19 concerns, the performance of the services included in this proposal as well as the satisfaction of the schedule described herein, are contingent and conditioned upon GEI having the ability to deploy the required resources as well as having access to the required site and data/documents to complete the services. These resources include, but are not limited to GEI staff, subcontract vendors and materials providers. GEI will immediately notify UWCD in the event it becomes aware that services will be interrupted or otherwise delayed as discussed herein.

We understand that an expedient schedule is paramount for the success of this project. GEI will work to meet the demands of the project schedule to every degree possible.

**TABLE 1 – PROPOSED PROJECT SCHEDULE (Remaining Exploration and Reporting Tasks).**

Activity	Task Duration	Cost
Task 2 Field Exploration	4-weeks	\$317,400 (includes subconsultants, travel & ODCs and field contingency)
Task 3 Laboratory Testing	6-weeks	\$33,500
Task 4 Geotechnical Data Report	Completed in Parallel with Task 3, 8 weeks after completion of the Task 2 Field Exploration program	\$46,700
Task 5 Geotechnical Analyses and Preparation of a Geotechnical Evaluation Report	4 Weeks Following Completion of Acceptance of Final Geotechnical Data Report	\$83,500
Task 6 Project Management and Meetings	Throughout Project	\$18,600
<b>Total Duration From NTP: 5 Months</b>		<b>Total Cost: \$499,700</b>

**CLOSING**

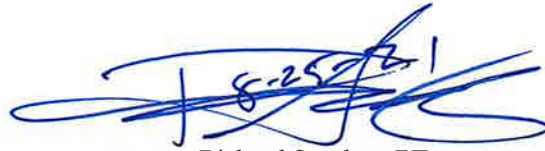
GEI is very interested and looking forward to assisting UWCD with completion of the remainder of the Geotechnical and Geological Exploration Program. Please contact Rich Sanchez or Lorena Manriquez if you have any questions or comments. Mr. Sanchez can be reached at 916.631.4579; rsanchez@geiconsultants.com or Ms. Manriquez at 818.552.6406; lmanriquez@geiconsultants.com.

Sincerely,

**GEI Consultants, Inc.**



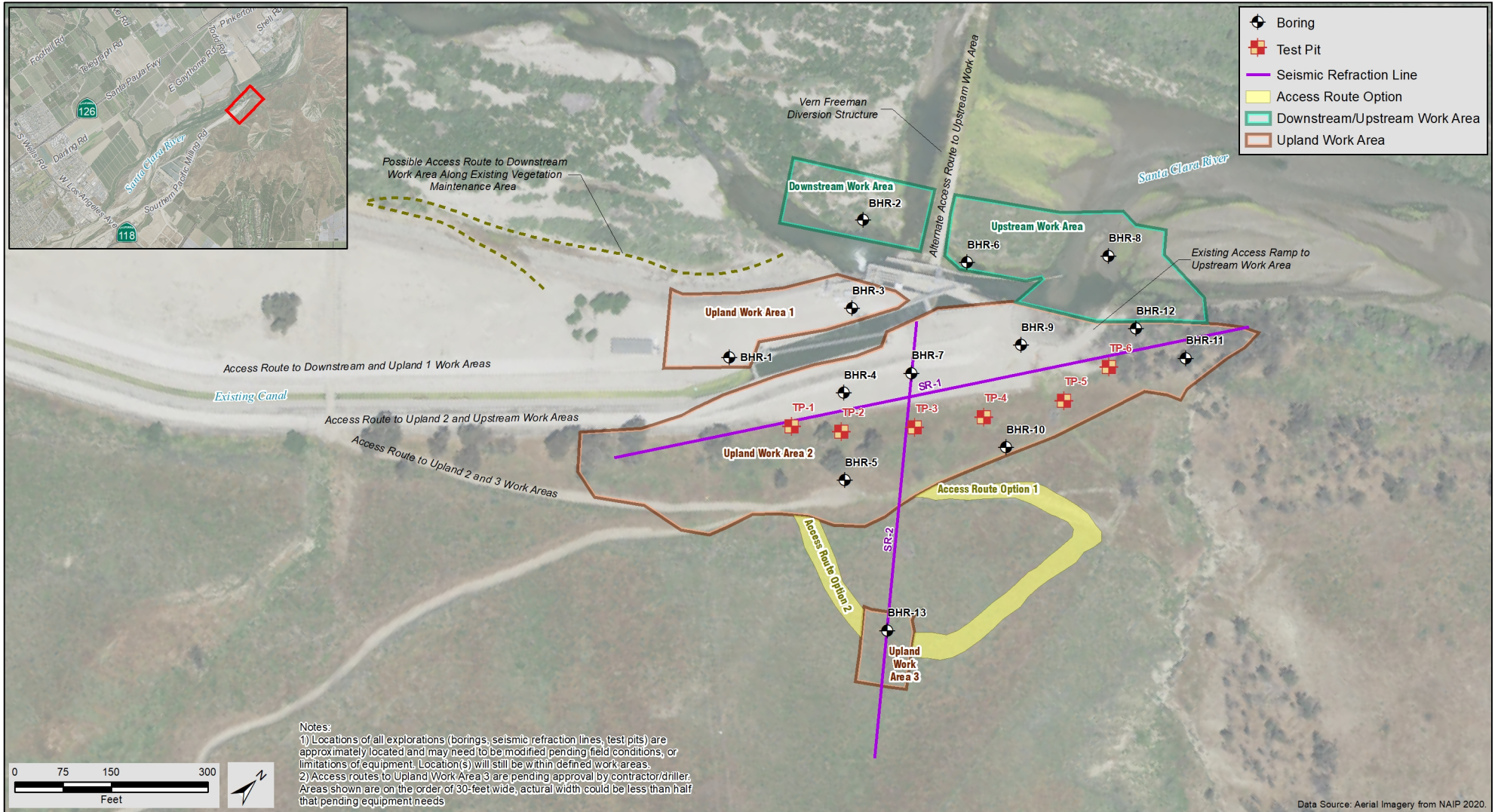
Lorena Manriquez, PE  
Project Manager



Richard Sanchez, PE  
Principal In Charge

**Attachments:**

- Exploration Plan
- Rationale Table for the Hardened Ramp Alternative
- Breakdown of Cost



Geotechnical Exploration Work Plan  
Freeman Diversion Hardened Ramp Alternative  
Santa Paula, California

United Water Conservation District



AUGUST 2021

EXPLORATION PLAN

FIGURE 1

**Exploration and Testing Rationale Table - Hardened Ramp Fish Passage Option**

Exploration ID	Approximate Ground Surface Elevation (ft)	Estimated Bedrock Elevation	Anticipated Depth (ft.)	Purpose
BHR-1	165	145	35 to 40	Characterize foundation conditions in transition to existing canal. Characterize terrace deposit properties and thickness where shallow foundations and tie-ins may be used for these facilities. Drill to bedrock contact.
BHR-2	140	125	20 to 25	Characterize foundation conditions for the hardened ramp. Drill to El. 120, approximately 5 feet below the base of the foundation for the new RCC structure beneath the hardened ramp at El. 125 +/- to confirm competent rock horizon.
BHR-3	162	135	25 to 30	Characterize subsurface conditions for 24-inch Fish Return Pipe and Monitoring Vaults and other shallow wall structures. Characterize terrace deposit properties and thickness where shallow foundations may be used for these facilities. Drill to bedrock contact.
BHR-4	172	145	30 to 35	Characterize foundation conditions for the Screenbay Outlet Channel foundations and RCC support. Drill to least 5 feet below the base of the RCC foundation at El. 145 +/- to confirm competent rock horizon.
BHR-5	210	185	40 to 45	Boring drilled on access road above proposed footprint of Hardened Ramp Structure to characterize landslide material properties and thickness in the upslope vicinity of the facilities, and foundation conditions if slope debris perimeter retaining walls should be necessary. Also provide information regarding cut slope grading at periphery of the facility. Drill to min. 15' below bedrock contact.
BHR-6	161	130	20 to 25	Characterize foundation conditions for the Hardened Ramp. Drill to El. 125 approximately 5 feet below the base of the foundation for the new RCC structure beneath the hardened ramp at El. 130 +/- to confirm competent rock horizon. Also characterize thickness of and properties of Terrace Deposits for shallow footing foundations above bedrock.
BHR-7*	172	145	100*	Characterize foundation conditions for the Screen Bay Outlet Channel foundations and RCC support. Drill to least 5 feet below the base of the RCC foundation at El. 145 +/- to confirm competent rock horizon.
BHR-8	157	125-130	35 to 40	Characterize foundation conditions for the hardened ramp, footing support for Bridge Structure and Entrance Apron. Drill to El. 120, approximately 5 feet below the base of the foundation for the new RCC structure beneath the hardened ramp at El. 125- 130 +/- to confirm competent rock horizon. Also characterize thickness of and properties of Terrace Deposits for shallow footing foundations above bedrock.
BHR-9	175	145	35 to 40	Characterize foundation conditions for the Screen Bay Outlet Channel foundations and RCC support. Drill to least 5 feet below the base of the RCC foundation at El. 145 +/- to confirm competent rock horizon.
BHR-10	205	185	35 to 40	Boring drilled on access road above proposed footprint of Hardened Ramp Structure to characterize landslide material properties and thickness in the upslope vicinity of the facilities, and foundation conditions if slope debris perimeter retaining walls should be necessary. Also provide information regarding cut slope grading at periphery of the facility. Drill to min. 15' below bedrock contact.
BHR-11	180	140	40 to 45	Boring drilled on access road above proposed footprint of Hardened Ramp Structure to characterize terrace deposit properties and thickness where shallow foundations and tie-ins may be used for perimeter retaining wall Drill to min 5' below bedrock contact.
BHR-12	165	135	30 to 35	Characterize foundation conditions for approach channel and trash rack. Approach Channel Min El. is about 150, but assume it may need to be founded on bedrock, drill to the top of the bedrock contact, assumed to be around El. 135.
BHR-13	306	185 - 255	<b>165</b>	Characterize the landslide failure plane depth and install an inclinometer in the landslide mass for monitoring purposes.

*Note: \* - Boring for Vs30 survey may be adjusted based on the anticipated bedrock depth inferred from the seismic refraction profile data.*



**Geotechnical Exploration  
Breakdown of Cost**

Task No.	Description	GR 8		GR 8		GR 7		GR 6		GR 5		Admin		GEI		GEI		Sub Contractors								Total Costs
		Client Manager		Senior Review		Task Order Manager - Report Reviewer		Senior Analyst Review/ Senior Geologist		Field Engineer and Data Report Preparation		Memorandum Preparation		ODCs		Subtotal		Permits	Seismic Refraction	inclinometer, misc	Test Borings	Test Pits	Geotech Lab Testing	P&S wave Vs30	Subs Total (Including 15 percent markup)	
		Hrs	\$297	Hrs	\$297	Hrs	\$265	Hrs.	\$223	Hrs	\$196	Hrs	\$110			Hrs.	\$154									
<b>1</b>	<b>Exploration Planning</b>																									See Note 1
	<b>Subtotal Task 1</b>																									-
<b>2</b>	<b>Field Exploration</b>																									
2.1	Ventura County permits							4	\$892							4	\$892	\$2,200							\$2,530	\$3,422
2.2	Standpipe Piezometer (Measurements and Reporting)							16	\$3,568						\$300	16	\$3,868									\$3,868
2.3	Inclinometer ( Readings and Reporting)							16	\$3,568						\$300	16	\$3,868									\$3,868
2.4	Inclinometer Installation (1 total to 160 feet, assume 3 days, 10 hour days, plus 6 hour RT, GR 5 in field )	1	\$297			2	\$530	8	\$1,784	46	\$9,016			\$1,191	57	\$12,818			\$6,000					\$6,900	\$19,718	
2.5	Test Borings (12 total [one deep for vs 30], assume 1.5 borings per day [round up to 14 days], 10 hour days, 6 hour RT @ 4 RT GR 5 in field , 430 LF total)	1	\$297			2	\$530	8	\$1,784	190	\$37,240			\$3,370	201	\$43,221					\$137,000			\$7,000	\$165,600	\$208,821
2.6	Test Pits (2 days, 10-hour days, 6 hr RT @ 1 RT, GR 6 in field to log)	1				2	\$530	26	\$5,798					\$944	29	\$7,272							\$4,000	\$4,600	\$11,872	
2.7	Seismic Refraction Surveys (1,500 feet, assume 2 days, 10 hour days, GR5 in field)	1				2	\$530			20	\$3,920			\$944	23	\$5,394		\$16,570						\$19,056	\$24,450	
	<b>Subtotal Task 2</b>	<b>4</b>	<b>\$594</b>			<b>8</b>	<b>\$2,120</b>	<b>58</b>	<b>\$12,934</b>	<b>256</b>	<b>\$50,176</b>			<b>\$7,049</b>	<b>346</b>	<b>\$77,333</b>	<b>\$2,200</b>	<b>\$16,570</b>	<b>\$6,000</b>	<b>\$137,000</b>	<b>\$4,000</b>			<b>\$7,000</b>	<b>\$198,686</b>	<b>\$276,019</b>
<b>3</b>	<b>Laboratory Testing</b>																									
3.1	Geotechnical Laboratory Testing (See Lab Test Schedule)	1	\$297			8	\$2,120	12	\$2,676	16	\$3,136				37	\$8,229						\$22,000		\$25,300	\$33,529	
	<b>Subtotal Task 3</b>	<b>1</b>	<b>\$297</b>			<b>8</b>	<b>\$2,120</b>	<b>12</b>	<b>\$2,676</b>	<b>16</b>	<b>\$3,136</b>				<b>37</b>	<b>\$8,229</b>						<b>\$22,000</b>		<b>\$25,300</b>	<b>\$33,529</b>	
<b>4</b>	<b>Geotechnical Data Report</b>																									
4.1	gINT Boring Logs and Digitize Test Pit Logs, review seismic refraction survey report					8	\$2,120	20	\$4,460	48	\$9,408	12	\$1,320		88	\$17,308									\$17,308	
4.2	Draft GDR	4	\$1,188	8	\$2,376	20	\$5,300	24	\$5,352	40	\$7,840	4	\$440		100	\$22,496									\$22,496	
4.4	Final GDR (Respond to Comments)	2	\$594	4	\$1,188	6	\$1,590	8	\$3,136	16	\$3,136	2	\$220	\$200	38	\$6,928									\$6,928	
	<b>Subtotal Task 4</b>	<b>6</b>	<b>\$1,782</b>	<b>12</b>	<b>\$3,564</b>	<b>34</b>	<b>\$9,010</b>	<b>52</b>	<b>\$9,812</b>	<b>104</b>	<b>\$20,384</b>	<b>18</b>	<b>\$1,980</b>	<b>\$200</b>	<b>226</b>	<b>\$46,732</b>									<b>\$46,732</b>	
<b>5</b>	<b>GER Preparation</b>																									
5.1	Develop Design Recommendations, associated analyses/ calculations					16	\$4,240	40	\$8,920	80	\$15,680			\$200	136	\$29,040									\$29,040	
5.2	Prepare GER	8	\$2,376	16	\$4,752	32	\$8,480	40	\$8,920	60	\$11,760	8	\$880	\$200	164	\$37,368									\$37,368	
5.3	Respond to Comments to Finalize Draft GER	2	\$594	8	\$2,376	16	\$4,240	16	\$3,568	32	\$6,272				74	\$17,050									\$17,050	
	<b>Subtotal Task 5</b>	<b>10</b>	<b>\$2,970</b>	<b>24</b>	<b>\$7,128</b>	<b>64</b>	<b>\$16,960</b>	<b>96</b>	<b>\$21,408</b>	<b>172</b>	<b>\$33,712</b>	<b>8</b>	<b>\$880</b>	<b>\$400</b>	<b>374</b>	<b>\$83,458</b>									<b>\$83,458</b>	
<b>6</b>	<b>Project Management and Meetings</b>																									
6.1	Project Management and Meetings	16	\$4,752			32	\$8,480	24	\$5,352						72	\$18,584									\$18,584	
	<b>Subtotal Task 6</b>	<b>16</b>	<b>\$4,752</b>			<b>32</b>	<b>\$8,480</b>	<b>24</b>	<b>\$5,352</b>						<b>72</b>	<b>\$18,584</b>									<b>\$18,584</b>	
	<b>Subtotal Tasks 2 through 6</b>	<b>37</b>	<b>\$ 10,395</b>	<b>36</b>	<b>\$ 10,692</b>	<b>146</b>	<b>\$ 38,690</b>	<b>242</b>	<b>\$ 52,182</b>	<b>548</b>	<b>\$107,408</b>	<b>26</b>	<b>\$ 2,860</b>	<b>\$ 7,649</b>	<b>1055</b>	<b>\$ 234,336</b>	<b>\$ 2,200</b>	<b>\$ 16,570</b>	<b>\$ 6,000</b>	<b>\$ 137,000</b>	<b>\$ 4,000</b>	<b>\$ 22,000</b>	<b>\$ 7,000</b>		<b>\$ 223,986</b>	<b>\$ 458,322</b>
	<b>15 percent Contingency for Task 2</b>																								<b>\$ 41,403</b>	
	<b>Total for Task Order</b>																								<b>\$ 499,724</b>	

Notes  
1) Exploration planning and site reconnaissance. Workplan development and coordination with subconsultants was authorized under a separate task order and budget.

**EXHIBIT “B” TO AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall adhere to the following **Guidelines for Expense Reimbursement**:

Incidental expenditures incurred by CONSULTANT in the course of performing work under this Agreement and submitted for reimbursement by UNITED shall comply with the following guidelines.

Receipts are required for all reimbursable expenses (with an exception for meals and lodging) and shall be furnished with the invoice. Reimbursable expenditures shall not be subject to mark-up. Only actual costs of expenditures within the limits presented below are eligible for reimbursement.

**1. Reimbursable Expenditures**

A. Travel Expenses

Expenses for airfare or other travel accommodations shall not exceed costs that would reasonably be expected for comparable economy or coach class accommodations.

Personal vehicles may be used when appropriate and mileage will be reimbursed at the standard Internal Revenue Service (IRS) business mileage rate (i.e., 56 cents per mile for calendar year 2021, but for a total cost no greater than the cost that would reasonably be expected for round trip economy or coach class airfare. With the exception of extenuating circumstances (e.g. transport of specialized equipment), mileage for any trip over 500 miles shall be reimbursed at a total cost no greater than would reasonably be expected for round trip economy or coach class airfare. Extenuating circumstances shall be pre-approved by UNITED.

Rental vehicle costs are reimbursable when justified by the nature of the trip. With the exception of extenuating circumstances (e.g. transport of more than 4 people or excessive cargo) the total expense for the rental vehicle shall not exceed a cost that would reasonably be expected for a standard class vehicle. Insurance for rental vehicles is not reimbursable and must be in accordance with all insurance requirements set forth in this Agreement.

B. Lodging

The cost of lodging incurred on approved CONSULTANT business trips is reimbursable. UNITED will reimburse lodging at the standard U.S. General Services Administration (GSA) rate for Ventura County (i.e., \$182.00 per night [excluding

taxes] for the months of October 2020 and January – September 2021). GSA rates are annually updated in October.

C. Meals

The cost of meals incurred on approved CONSULTANT Projects is reimbursable.

If UNITED is reimbursing the CONSULTANT for lodging, UNITED will reimburse for meals at the appropriate standard GSA rate for Ventura County (i.e., \$49.50 (or 75% of a daily rate) per day for first and last calendar day of PROJECT work, and \$66.00 per day for additional PROJECT work days for calendar year 2021.

If UNITED is not reimbursing the CONSULTANT for lodging, UNITED will not reimburse the CONSULTANT for meals.

D. Equipment

All reimbursable equipment must be purchased or rented at a reasonable cost, in accordance with industry standards.

E. Expendable Items

Items that are expendable (depleted) will not be returned to UNITED, as the items will be “used up” in the course of CONSULTANT’s work.

F. Non-Expendable Items

Items that are non-expendable (not depleted) will be returned to UNITED upon completion of CONSULTANT’s work.

**EXHIBIT “C” TO AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall procure and maintain for the duration of the Agreement, and for injuries that occur and claims which are made after the services herein are performed, insurance against claims or injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives, or employees.

*Minimum Scope of Insurance*

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01 or its equivalent).
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, Code 1 or its equivalent (any auto).
3. Workers’ Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors & Omissions Liability insurance appropriate to the CONSULTANT’s profession. Architects’ and engineers’ coverage is to be endorsed to include contractual liability.
5. Valuable Document Insurance on all plans, specifications and other documents as may be required to protect UNITED in the amount of its full equity in such plans, specifications and other documents.

*Minimum Limits of Insurance*

CONSULTANT shall maintain limits no less than:

- |  |   |
|--|---|
| 1. General Liability:<br>Including operations, products and completed operations, as applicable. | <b>\$1,000,000</b> per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability:   | <b>\$1,000,000</b> per accident for bodily injury and property damage.  |

- 3. Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
- 4. Errors & Omissions Liability: **\$1,000,000** per claim.
- 5. Valuable Document Insurance **Full Equity of all Documents**

*Deductibles and Self-Insured Retentions*

Any deductibles or self-insured retentions must be declared to and approved by UNITED. At the option of UNITED, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects UNITED, its directors, officers, officials, employees and agents; or CONSULTANT shall provide a financial guarantee satisfactory to UNITED guaranteeing payment of losses and related investigations, claim administration and defense expenses.

*Other Insurance Provisions*

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

- 6. For all policies required by this Agreement, UNITED and its directors, officers, officials, employees and volunteers are to be covered as additional named insureds as respects: liability arising out of work or operations performed by or on behalf of the CONSULTANT; or automobiles owned, leased, hired or borrowed by the CONSULTANT.
- 7. For any claims related to this Project, the CONSULTANT's insurance coverage shall be primary insurance as respects UNITED and its directors, officers, officials, employees and agents. Any insurance or self-insurance maintained by UNITED, its directors, officers, officials, employees or agents shall be excess of the CONSULTANT's insurance and shall not contribute with it.
- 8. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice has been provided to UNITED (with the exception of ten (10) days for nonpayment of premium).

If General Liability, Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions coverages are written on a claims-made form:

- 9. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work.
- 10. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

11. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the CONSULTANT must purchase an extended period coverage for a minimum of five (5) years after completion of contract work.
12. A copy of the claims reporting requirements must be submitted to UNITED for review.
13. If the services involve lead-based paint or asbestos identification/ remediation, the Contractors Pollution Liability shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/ remediation, the Contractors Pollution Liability shall not contain a mold exclusion and the definition of "Pollution" shall include microbial matter including mold.

#### *Acceptability of Insurers*

Insurance is to be placed with insurers qualified to do business in the State of California with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to UNITED. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

#### *Verification of Coverage*

CONSULTANT shall furnish UNITED with original certificates and amendatory/ additional insured endorsements effecting coverage required by this clause. The endorsements should be on forms provided by UNITED or on other than UNITED's forms provided those endorsements conform to UNITED requirements. All certificates and endorsements are to be received and approved by UNITED before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. UNITED reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

#### *Waiver of Subrogation*

CONSULTANT hereby agrees to waive subrogation, which any insurer of contractor may acquire from vendor by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the CONSULTANT, its employees, agents and subcontractors.

**Staff Report**

**To:** Engineering and Operations Committee

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Brian Collins, Chief Operations Officer  
Joseph Jereb, Chief Financial Officer

**Date:** August 26, 2021 (September 2, 2021 Committee Meeting)

**Agenda Item:** **3.3 Allow execution of an Agreement with California American Water to Establish an Emergency Use Interconnection to the Oxnard Hueneme Pipeline for providing additional System Reliability to the El Rio Service Area.**  
**Motion**

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**Staff Recommendation:**

The committee will consider recommending approval of the motion item, authorizing the General Manager to execute an agreement with California American Water to establish an emergency use interconnection to the Oxnard Hueneme Pipeline for providing additional System Reliability to the El Rio Service Area, to the full Board.

**Introduction:**

United Water Conservation District (District) provided an emergency water connection to the Vineyard Avenue Acres Mutual Water Company (VAAMWC) in May 2019 per the State Water Resources Control Board's (Water Board) request when the water samples of the VAAMWC's water supply system showed nitrate concentrations above the primary drinking water standard of 10 mg/ L (Nitrate-N). Since 2019, the Water Board, the Division of Drinking Water (DDW) has directed VAAMWC and other small water companies in the El Rio area to establish a reliable emergency backup supply to support their existing supply system.

**Background:**

In response to the DDW requirements for additional system reliability included in an enforcement letter to the mutuals, CalAm, Cloverdale Mutual Water Company (CMWC) and DDW met with the District on August 5, 2021 to discuss interconnection options to the OH Pipeline. CalAm recently acquired Rio Plaza and is interested to provide additional system reliability to the Rio Plaza. CMWC and VAAMWC have been discussing a merger and CMWC is interested to establish an emergency use interconnection to the OH Pipeline to meet the DDW requirements for additional supply system reliability on behalf of both mutuals.

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**Agenda Item 3.3      Allow execution of an Agreement with California American Water to Establish an Emergency Use Interconnection to the Oxnard Hueneme Pipeline for providing additional System Reliability to the El Rio Service Area.**

**Motion**

Prior to the August 5 meeting, Staff identified two available turnouts off the OH Pipeline that could potentially serve as the backup interconnections. The 8-in turnout off the OH pipeline at the intersection of Simon Way and North Rose Avenue (Simon Way Turnout) does not serve any of the existing customers. The 8-in turnout at the intersection of E. Collins Road and North Rose Avenue (E. Collins Rd Turnout) has a blind flange and does not serve any of the existing customers. The OH System has sufficient capacity to supply potable water to CalAm and the mutual water companies during emergencies.

CalAm agreed to install the emergency use interconnection to the Simon Way Turnout to supply potable water to the Rio Plaza and the second emergency use interconnection to the E. Collins Road Turnout on behalf of CMWC and VAAMWC for future emergency use once a separate agreement between the mutuals and the District is established. CalAm agreed to obtain the local and state permits and a permit amendment from DDW for the Rio Plaza. CalAm and CMWC and DDW acknowledged that the emergency use of OH Pipeline supply would be provided during emergency conditions and is limited to 15 days per year or five consecutive days of use per year. It should be note that a partial use or an entire day use of water is counted as one day use.

**Discussion:**

CalAm submitted a letter to the District requesting for the District’s Board of Directors approval for a new emergency use interconnection to the OH Pipeline to support the Rio Plaza (Attachment A). CalAm is planning to construct the two interconnections during one shutdown to meet the District’s request for minimizing the interruption to operation of the OH Pipeline (Attachment B). CalAm is planning to prepare and enter into an agreement with the District for the interconnection to the Simon Way Turnout. CalAm will install a new valve and a lateral from the transmission main across North Rose Avenue to the location of the above ground interconnection within street right of way. Additionally, CalAm will install a new gate valve and blind flange to the existing tee connection located at the E. Collins Road Turnout. CalAm will minimize the duration of the shutdown and the impact on the OH Pipeline operation.

**Mission Goal:**

Meets Mission-Related Goal B, System Reliability – Ensure that the District’s existing and planned water supply, conveyance, and recharge systems meet regional needs, including emergency response and Goal E1., Build and strengthen partnerships and coalitions with all stakeholders.

**Fiscal Impact:**

The Interconnection Project will not have any fiscal impact on the District. No additional funding is requested.

**Attachments:**

Attachment A – August 20 Letter Regarding California American Water Request for Board Approval of new Interconnection with United Water for the El Rio Service Area (Rio Plaza)  
Attachment B – Proposed Emergency Use Interconnections to the Oxnard Hueneme Pipeline





August 20, 2021

Mr. Brian Collins  
Chief Operations Officer  
United Water Conservation District  
3561 North Rose Avenue  
Oxnard, CA 93063

**Re: California American Water Request for Board Approval of new Interconnection with United Water for the El Rio Service Area (Rio Plaza)**

Dear Mr. Collins,

The below letter is a follow up to the ongoing conversations between California American Water and United Water regarding a request for an interconnection as a way to provide additional system reliability to the recently acquired El Rio system. California American Water is requesting United Water Conservation District to present the recommendation for an interconnection with United Water before the September Board meeting for approval.

The proposed interconnection will include one shut down of the line for installation of two new valves and blind flanges allowing for future connections without any further shut downs of the water main. California American Water will prepare an agreement with United Water for one of the proposed interconnections, develop design plans for the interconnect, and construct the interconnection to United Water. The location of this interconnect would be at the intersection of Simon Way and North Rose Avenue. From the existing water main tee, California American Water will install a new valve and extend water main across North Rose Avenue to the location of the above ground interconnection within street right of way. Additionally California American Water will also install a new gate valve and blind flange to the existing tee located at East Collins Street and North Rose Avenue all as part of the proposed interconnection project ("project").

California American Water understands that the project will require a shutdown of the transmission Main in North Rose Avenue and will minimize the length of this shut down and any impacts this has. California American Water appreciates the opportunity to work with United Water on this water improvement project. Please acknowledge your acceptance of this letter and proposal by countersigning a copy of this letter in the space below and returning the countersigned copy to me.

If you need additional information or have any questions, please contact me at 626-532-6407 or via email at [mark.reifer@amwater.com](mailto:mark.reifer@amwater.com).

Sincerely,

Mark Reifer  
Engineering Manager - Project Delivery

**AGREED TO AND ACCEPTED**

Date: \_\_\_\_\_

United Water Conservation District

By: \_\_\_\_\_  
Board Approval

cc: Brian Collins, Chief Operations Officer, United Water Conservation District  
Maryam Bral, Chief Engineer, United Water Conservation District  
Jennifer Williams, Operations Manager, California American Water



**El Rio Groundwater Recharge Facility**








**Rio Plaza MWC**

**Vineyard Ave Acres MWC**

**Cloverdale MWC**

**UWCD 8-in Turnout at Simon Way**

**UWCD 8-in Turnout at E. Collins Rd.**

-  O-H Turnouts
-  Rio Plaza MWC
-  Cloverdale MWC
-  Vineyard Ave Acres MWC
-  Main Supply Pipeline
-  El Rio Well Manifold Pipeline
-  O-H Pipeline

