Dewberry

CEQA STATUTORY EXEMPTION MEMORANDUM

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DATE: August 14, 2024

SUBJECT: CEQA Statutory Exemption Memorandum for the Lopes Road and Water Pipeline Reconstruction Emergency Project, City of Fairfield and City of Benicia, California

1. Introduction

The City of Fairfield (California Environmental Quality Act [CEQA] Lead Agency) in coordination with the City of Benicia (CEQA Responsible Agency) proposes the Lopes Road and Water Pipeline Reconstruction Emergency Project (project) to repair damage from a landslide during the March 2023 storm events. The slide was included in a Federal Disaster Declaration (Federal Emergency Management Agency (FEMA) DR-4699-CA) as it impacted the entire community of southwest Solano County. Not only did the landslide destroy and close Lopes Road, but it also impacted commuters on Interstate 680 (I-680) and, most importantly, severely damaged vital water infrastructure for Fairfield and Benicia. Fairfield's redundant water supply network has been able to maintain service for its residents through other sources since the slide, but Benicia was heavily impacted, losing water for approximately ten days after the slide occurred.

Both cities cooperated to perform temporary emergency repair work which included installing a temporary bypass consisting of 4 to 12-inch High Density Polyethylene (HDPE) lines sitting on top of the ground to restore water service to Benicia and close Lopes Road to through traffic. The effects of this landside, while temporarily remedied, are still occurring and must be addressed as quickly as possible. While the Benicia temporary bypass has restored some of Benicia's water supply, the temporary lines are exposed to potential damage from continuing slide movement, future winter storms, and vandalism. These temporary service risks need to be remedied immediately.

Permanent repair of the storm damaged location would be funded through FEMA emergency funding in cooperation with CalOES, as well as both Cities for any non-reimbursable costs. While it was originally planned to have all emergency funding through FEMA, it was determined in the Summer of 2024 that Federal Highway Administration (FHWA) emergency funding, in cooperation with Caltrans, may need to be used for repairs to the roadway since Lopes Road is on the Federal Aid System.

For the proposed project Fairfield would be the lead agency under the California Environmental Quality Act (CEQA) with Benicia being a responsible agency under CEQA. FEMA, with the

assistance of CalOES, would be the lead agency under the National Environmental Policy Act (NEPA); however, due to the potential dual emergency funding with FEMA and FHWA, the lead NEPA agency will need to be coordinated with both federal agencies.

This memorandum provides analysis supporting the project's exempt status under CEQA through a Statutory Exemption (SE) (CEQA Guidelines Sections 15260 to 15285). A Notice of Exemption (NOE) along with this SE Memorandum would be submitted to the Solano County Clerk as well as the Office of Planning and Research through the California State Clearinghouse as required by Senate Bill 69 (SB 69) (enacted on January 1, 2024).

2. Need and Purpose

The project is needed to repair damage to Fairfield and Benicia water lines and Lopes Road, allowing for restored water supply to both cities and reopening Lopes Road to vehicular traffic.

The purpose of the project is to:

- Repair Lopes Road to its pre-slide condition (two, 12-foot-wide lanes and two, 2-foot-wide shoulders);
- Repair the Fairfield water pipeline and supporting power/communication lines;
- Repair the Benicia water pipeline;
- Maximize Federal Emergency Management Agency (FEMA), and potential Federal Highway Administration (FHWA), funding while minimizing non-participating costs;
- Add resiliency to the project site and infrastructure to minimize changes of a similar land slide related damage and impacts from happening again;
- Avoid impacts to Caltrans facilities and right-of-way; and,
- Avoid impacts to the Kinder Morgan pipeline west of the project site, further upslope.

3. Project Location

The project is in the southwestern portion of Fairfield, south of the Serenade housing community, north of the King Ranch Open Space, and west of I-680. The project site is within Solano County, in the City of Fairfield. Figure 1 and Figure 2 included as Attachment A shows the location of the project on a regional and local basis, respectively.

4. Existing Conditions

The project area has been subject to historic landslides, notably in the 1980s or 1990s (exact date is unknown) prior to construction of the Fairfield waterline, when Benicia's 36-inch raw water pipeline was damaged by a slide which required the water pipeline to be repaired on a new alignment to return water service to Benicia. This previous slide occurred at the same location as the March 2023 landslide.

The most recent March 2023 slide damaged the previously repaired Benicia water pipeline at the same location and also damaged Fairfield's 30-inch potable water pipeline that services the southwestern portion of Fairfield, a buried Fairfield conduit bank with power/communication lines associated with the operation of their water line, washed out Lopes Road, and damaged I-680. Based on historic photos of the project slide, it is

believed that the March 2023 slide is a small part of a larger slide area. During a site visit in March 2024, it was noted that the temporary lines installed immediately after the March 2023 landslide to restore Benicia's raw water supply have already shifted downhill as the land mass continues to move.

At the project site, Lopes Road is located between I-680 and the hillside in which the landslide occurred. Caltrans has installed a sheet pile wall between I-680 and Lopes Road to restore operations on I-680 after the highway was closed as a result of the landslide. The hillside west of Lopes Road, where the landslide occurred, is a grassland area and has historic evidence of other landslides and a larger potential slide. The existing Lopes Road has two 12-foot lanes with 2-foot shoulders. Within the west shoulder and hillside there are multiple utilities, including the Benicia 36-inch raw water pipeline, the Fairfield 30-inch potable water pipeline, a buried Fairfield conduit bank with power/communication lines associated with the operation of their waterline, and a Kinder Morgan petroleum utility line. On the east side of Lopes Road, next to the Caltrans sheet pile wall, there is an AT&T fiber optic line. The AT&T fiber optic line has already been repaired but may conflict with the proposed project, therefore it might need to be relocated. The Fairfield utilities are currently out of service waiting to be repaired; thus, water service is currently being provided through other sources as part of the redundant Fairfield water system. The Benicia pipeline is still damaged but has been bypassed with a temporary system to maintain some level of water service to the City of Benicia. The Kinder Morgan utility is reportedly undamaged but is being monitored given that the slide is still active.

5. Project Description

The proposed project would restore the roadway and waterlines to the pre-landslide condition and also include a structural solution between the roadway and slide area. The structural solution would restrain the recent uphill slide from continuing to move, would add resiliency to resist future landslides in this area, and would significantly limit the amount of excavation required on the hill. Earthwork up the hillside would only be what is required to improve drainage and address localized concerns. The structural solution could consist of multiple options including soil mixing/ground improvements, deep piles, ground anchors, or a combination thereof. The exact details of the structural solution would be developed during the detailed engineering development process of the project.

5.1 Proposed Conditions

The proposed project would include reconstructing the Benicia raw water pipeline, the Fairfield potable water pipeline, the Fairfield power/communication lines required for operation of their pipeline, and Lopes Road as well as adding a structural solution between Lopes Road and the hillside where the landslide recently occurred. Preliminary engineering suggests that the most practical location for the reconstructed water pipelines is on an alignment closer to, or under, Lopes Road. The proposed project would reconstruct Lopes Road within the landslide area with two 12-foot-wide lanes and 2-foot-wide shoulders to match pre-landslide conditions. Other work includes reconstructing drainage features and potentially relocating the AT&T facilities if they are in conflict with the proposed project. If required, AT&T would perform any relocation work with their own staff prior to construction.

5.2 Utility Relocations

The existing AT&T underground fiber optic utility lines on the east side of Lopes Road have already been reconstructed but may need to be relocated again if they are in conflict with the proposed project. The Kinder Morgan petroleum line within the hillside west of Lopes Road is currently stable but being monitored. The proposed project would avoid the Kinder Morgan line and any work to that facility would be performed separately by Kinder Morgan. The Benicia 36-inch raw water pipeline would be reconstructed, near the shoulder of Lopes Road or under Lopes Road, with a new 36-inch pipeline that would tie into the undamaged portions of the existing pipe. The Fairfield 30-inch potable water pipeline and power/communication lines would be reconstructed, near the shoulder of Lopes Road or under Lopes Road, and tie into the undamaged portions of the existing pipes. The exact location of the Benicia and Fairfield reconstructed lines would depend on the staging of the project construction and stability of the hillside slope to allow access for the heavy equipment required to construct the new utility lines and structural solutions.

5.3 Right-of-Way

The existing Fairfield utilities are within City right-of-way (ROW) and their reconstructed lines would remain within City ROW. The original Benicia line was constructed in the 1960s and is within an easement on private property (Assessor's Parcel Number [APN] 181-030-450). When the utility was damaged and reconstructed in the 1980s or 1990s, the new portion of line was reconstructed within Fairfield's right-of-way. A revised easement between Fairfield and Benicia is anticipated for the reconstructed Benicia utility, but no new permanent easements or right-of-way are anticipated on private property. Any construction work within the private property, APN 181-030-450, would occur under a Right-of-Entry Permit; however, a Temporary Construction Easement may be required.

5.4 Construction Activities

Construction is anticipated to occur through three distinct activities, which are summarized below:

- **Clearing and Grubbing:** Portions of hardscape, landscape, and vegetation in conflict with construction and demolition activities would be removed. Areas along the alignment of the existing and proposed utilities and proposed hillside regrading and structural solutions for hillside stabilization would be cleared of vegetation and fencing.
- **Excavation/Earthwork:** Excavations for the approach roadway would generally be 5 feet deep or less; however, excavations for the water pipelines, power/communication lines, drainage pipes, and drainage inlets could be up to 25 feet deep. Pile drilling, ground improvements, and/or excavations into the hillside for stabilization of the land side area would require depths of 50 feet or more depending on the depth of the landslide failure plane and structural solution required.
- **Repairs:** Repair work to Lopes Road would generally consist of reconstructing the roadway section, asphalt paving, and lane striping. Repair work for the water pipelines would consist of reconstructing the lines on their preferred alignments and tying them back into the undamaged portions of those lines outside the slide limits. The Fairfield water pipeline would also be flushed and sanitized as it is a potable water pipeline. A structural solution between the roadway and slide area to restrain the recent uphill slide from continuing to move would consist of multiple options including soil mixing/ground improvements, deep piles, ground anchors, or

a combination thereof. Hillside earthwork would only occur in the section required to improve drainage and address localized landslide concerns.

Construction of the proposed project is anticipated to commence in late 2024 and would be completed by late 2025.

6. Environmental Clearance

6.1 Biological Resources

A *Biological Resources Evaluation was* prepared for the proposed project (Dewberry, June 2024) to determine the likelihood of state or federally listed animal and plant species and supporting habitat located on the project site and the potential for such resources to be impacted due to project implementation. A 24.3-acre Biological Study Area (BSA) was established for evaluation, which included the cut/fill slopes of the project footprint, access, and staging areas. The BSA is occupied by the following vegetation communities and land uses: Wild oats and annual brome grasslands (20.3 acres), Landscaped (1.7 acres), and Developed (2.3 acres). The record search identified 37 special-status animal species and 31 special-status plant species identified with the potential to occur in the project area. Of the 37 special-status animal species, 6 species (burrowing owl, northern harrier, short-eared owl, tricolored blackbird, white-tailed kite, and California red-legged frog) were determined to have the potential to occur in the BSA based on habitats present. Of the 31 special-status plant species identified, 1 species (Pappose Tarplant) was determined to have the potential to occur in the BSA based on habitats present in the area. A field survey conducted on April 25, 2024, was negative as none of the listed special-status animal and plant species were observed. However, based on the habitat within the BSA, the following was determined:

- Affects to 4.6 acres of wild oats and annual brome grasslands would result in temporary impacts to foraging habitat for burrowing owl, northern harrier, short-eared owl, tricolored blackbird and white-tailed kite, because this potential foraging habitat would be unavailable to these species until the temporary impact areas are restored. Impacts to individuals would be minimal to negligible, as there is ample grassland habitat in the vicinity of the project site for foraging purposes.
- Affects to 4.6 acres of wild oats and annual brome grassland would impact nesting habitat for northern harrier and short-eared owl, because this potential nesting habitat would be unavailable to these species until the temporary impact areas are restored. These species could be directly affected if individuals are nesting in the impact area or adjacent areas when construction commences.
- Affects to the 4.6 acres of wild oats and annual brome grassland would result in temporary impacts to California red-legged frog upland estivation and dispersal habitat, because this habitat would be unavailable to this species until the temporary impact areas are restored. California red-legged frog could be directly impacted if individuals are present in the project footprint when construction commences.
- Affects to 4.6 acres of wild oats and annual brome grasslands could directly impact Pappose Tarplant if this species is growing in the impact area.

The Standard Commitments and Agency Regulatory Requirements described below would be implemented to avoid affects to biological resources should they occur in the area prior to commencement and during construction activities.

There is no riparian habitat identified in the BSA. Thus, project implementation would have no impact on riparian or other sensitive natural community.

No wetlands (either state or federally protected) including but not limited to marsh, vernal pool, or coastal areas were identified in the BSA. Thus, project implementation would have no impact on state or federally protected wetlands.

There are no established or documented wildlife corridors present within the BSA (Dewberry, 2024). No migration corridors would be affected with project implementation. No trees are located within the BSA, and none are required to be removed prior to commencement or during project construction. The wild oats and annual brome grassland provides nesting habitat for northern harrier and short-eared owl. The Standard Commitments and Agency Regulatory Requirements described below would be implemented to avoid affects to nesting habitat of northern harrier and short-eared owl should they occur in the area prior to commencement and during construction activities.

Tree and shrub removal is not necessary for project implementation; therefore, tree removal permits would not be required. Overall, the project would not conflict with any local policies or ordinances protecting biological resources, such as trees. No impact would occur.

The project is not located in the boundaries of a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or stat habitat conservation plan. Thus, no impact would occur.

6.2 Historic/Cultural Resources

A *Cultural Resources Identification and Evaluation Report* was prepared for the proposed project (Dewberry, June 6, 2024). Background research, reviews of previous investigations, and reviews of historic maps and aerials were conducted to assess the cultural sensitivity and buried site potential of the Area of Potential Effects (APE). The APE, approximately 22.15 acres in size, was defined as the geographic area or areas within which the project may directly or indirectly cause alterations in the character or use of historic properties.

The Northwest Information Center (NWIC) records search identified six studies that had previously been conducted within portions of the APE, and one study previously conducted within ¼-mile of the APE. No cultural resources were identified within the APE. One cultural resource, the Suisun Marsh Duck Clubs (P-48-000987), was identified as being within ¼-mile of the APE; however, it would not be affected by the project as it is separated from the project site by I-680 and Lopes Road. A pedestrian field survey was conducted on April 20, 2024, which verified that no pre-contact or historic-era cultural resources were observed within the APE.

Geologically, the APE is located on a volcanic flow rock landform (Sonoma Volcanics) that dates to the Pliocene and early Miocene Epochs of the Tertiary Period. Overlying the Sonoma Volcanics bedrock is commonly residual soil, colluvium, and can include landslide debris. The APE is mostly situated on Dibble-Los Osos clay loams, 9-30 percent slopes, associated with mountains and made of residuum weathered from sandstone

reaching 30-59 inches deep. A small portion of the APE in the location of the northwesternmost portion of the drainage is situated on Clear Lake Clay, 0-2 percent slopes, associated with basin floors and comprised of alluvium derived from igneous, metamorphic and sedimentary rock to approximately 60 inches underground. Based on the landform age, type, soil complex, and previous disturbances in the APE, there is an overall low sensitivity for buried archaeological deposits (Dewberry, 2024).

Implementation of the project would not impact historic or cultural resources. If previously unknown resources or human remains are discovered during project construction activities, the Standard Commitments and Agency Regulatory Requirements described below would be implemented to avoid affects to these unknown resources.

6.3 Hazardous Materials

A *Hazardous Materials Memorandum* was prepared for the project (Dewberry, 2024). An Environmental Database Report (EDR), that included federal, state, and local records, was reviewed. A total of three sites were identified by the EDR within one mile of the project site:

- **South Cordelia Reservoir 2850 Lopes Road, Fairfield:** Where 400,000 gallons of water with a 1.57 chlorine residual was released when an overflow sensor for the new reservoir was set 1-inch over the overflow level. This caused overflowed water to be discharged into a v-ditch dug by contractors at the site. This release was contained.
- **CCL Organics 1460 Goodyear Road, Benicia:** A composting chipping/grinding facility currently in operation. Actively being monitored since 2016.
- **Southbrook Elementary School Site, Canyon Hills Drive/Gold Hill Road:** Proposed school site where soils testing was conducted and a Phase I was prepared and approved by the Department of Toxic Substances Control (DTSC) in 2000. No actual or potential hazardous materials release was indicated and DTSC determined that no action was required to remediate the site.

The three sites referenced above are marked as closed or as having management or administrative errors. None of the EDR record sites are expected to be a hazard or affect the proposed project. Findings in the County's Certified Unified Program Agency Database (CUPA), Drycleaners, Recycling Facilities in California (SWRCY), RCRA Non-Generators (RCRA NonGen), CA Bond EXP Plan, Certified Process Database (PROC), EDR US Historic Auto, and EDR US Historic Cleaners lists are not included in the summary due to the very low potential impact of the listed sites. There are no National Priority List (NPL) Superfund sites within or adjacent to the project site. Based on review of the EDR record search and of the available data posted on the US EPA Superfund websites, there is low impact potential to project soils or groundwater (Dewberry, 2024). Based on aerial photographs and topographic maps dating back to the late 1890's the project site was undeveloped open space and therefore previous uses would not have resulted in hazardous materials on the site (Dewberry, 2024).

As part of the *Hazardous Materials Memorandum* a screening investigation was conducted to determine the likelihood of the project site being contaminated with aerially deposited lead (ADL), lead-based paint (LBP), or asbestos-containing materials (ACM). Testing in the project site determined levels for ADL, LBP, and ACM were well below

threshold standards; therefore, the project site would not be contaminated with these materials to a level that would affect people or the surrounding environment. The proposed project is not located in an area where naturally occurring asbestos (NOA) occurs; therefore, exposure and possible injury from NOA would not occur with project implementation (Dewberry, 2024).

There is potential, during project construction, hazardous material spills (i.e., oil, cleaners) could occur. If a hazardous materials spill occurs during project construction, the Standard Commitments and Agency Regulatory Requirements described below would be implemented to avoid affects and ensure containment and proper cleanup of spilled material.

6.4 Noise

Ambient noise levels in the project area are generated by vehicles traveling along I-680. There are no sensitive receivers within 500 feet of the project site boundary. The closest sensitive receivers are single-family residential units approximately 700 feet northwest of the project site.

Construction activities at the project site would include the use of heavy equipment that generates noise on a temporary basis. Construction generated noise would include truck traffic associated with the transport of materials and equipment to and from the site and the use of construction equipment (i.e., excavators, bulldozers, crane, drill rigs, jack hammers). Construction generated noise would dissipate quickly beyond 500 feet from the project footprint, would be of short duration, and would occur primarily during daytime hours. The City of Fairfield Municipal Code, Chapter 25, Section 25.1404 regulates time of when construction equipment cannot operate and generate noise. Section 25.1404 states, *"No person shall do, cause or suffer or permit to be done on any premises owned, occupied or controlled by such person, any of the following acts:*

> *Construction activities – Operating or permitting the operation of any tools or equipment used in construction, grading or demolition works between the hours of 10:00 p.m. and 7:00 a.m. except by written permission of the Director of Public Works"*

Construction activities associated with the project would occur during daytime hours (between 7:00 a.m. to 10:00 p.m. daily); however, there could be times when overnight work must occur. In the event overnight construction activities are required, the Standard Commitments and Agency Regulatory Requirements described below would be implemented to allow for nighttime construction activities to occur. Given the temporary nature of construction activities and the existing ambient noise generators, it is unlikely that the project construction activities would exceed ambient noise levels at the closest sensitive receivers. As such, no construction noise impacts would occur with project implementation.

Once construction is complete, Lopes Road and the water pipelines would operate similar conditions prior to the landslide. Project implementation would not increase future traffic capacity on Lopes Road or in the area nor would the waterlines generate noise, therefore, noise associated with project generated traffic would not change because of project implementation. Thus, operational noise levels would be like pre-landslide conditions and no impacts would result from the project in this regard. Long-term operation of the project

would not increase noise levels, vibrations, or increases in ambient noise upon construction completion.

6.5 Paleontological Resources

ENGEO Incorporated (ENGEO) prepared a *Paleontological Evaluation Report (PER)* for the proposed project to determine if potential impacts to paleontological resources would occur due to project implementation (ENGEO, 2024). The paleontological sensitivity of an area is determined by the type of geologic units underlying soil and the age of the underlying geological unit, and is classified as being High, Low, Undetermined, or No Potential to produce paleontological resources.

The project site is within the Coast Ranges Geomorphic Province which consists of a complex series of mountain ranges and alluvial-filled basins that lie approximately parallel to the California coast and the San Andreas Fault System. The site-specific geology in the vicinity of the proposed project consists of Sonoma Volcanics (Miocene-Pliocene age) and Landslide Debris (Holocene-Pleistocene age).

The Sonoma Volcanics are widely distributed throughout Solano, Sonoma, and Napa counties. The Sonoma Volcanics include tuff, obsidian, lava flows, pyroclastic breccia, and mud flows which range in composition from rhyolite to basalt, along with interbedded volcaniclastic sedimentary rocks. This volcanic material originated from numerous vents and fissures that intermittently erupted material of variable chemical and lithologic composition forming a complex assemblage of flows, dikes, plugs, mudflows, breccias, pumice beds, and intercalated bodies of stratified material, essentially volcanic in composition, but largely sedimentary in deposition (ENGEO, 2024). These rocks have been folded, faulted, and eroded so that they now form a series of elongated ridges separated by narrow alluvial valleys. Sonoma Volcanics has a High Potential sensitivity for paleontological resources.

Overlying the Sonoma Volcanics bedrock at the project site is recent and old landslide debris. The recent landslide debris encountered was generally yellowish-brown clay with a mixture of sand, gravel, and various sized volcanic rock fragments. This material was generally encountered in the upper 23 to 35 feet and showed slickensided surfaces in the clay near the base of the recent landslide. Below the recent landslide material, old landslide debris exists typically consisting of blueish gray clay with various amounts of sand and gravel. This old landslide debris extended to depths of at least 81.5 feet based on geotechnical borings (ENGEO, 2024). The landslide debris was thoroughly disarticulated with many shear surfaces indicating that intermittent earthflow style movement over large spans causing the landslide to occur. Landslide Debris has a Low Potential sensitivity for paleontological resources.

Based on the current design, excavations proposed for the project would be limited to the area of Landslide Debris and would not encroach into the Sonoma Volcanics Formation. Based on the low potential for paleontological resources in the Landslide Debris area, project implementation would not affect paleontological resources. Nevertheless, in the event that previously unknown deposits of paleontological resources are discovered during project construction, the Standard Commitments and Agency Regulatory Requirements described below would be implemented to avoid direct affects to paleontological resources.

7. CEQA Analysis Conclusion

Individual projects and project types have been granted statutory exemptions as listed in Public Resources Code Section 21080 et. seq., and State CEQA Guidelines Sections 15261 through 15285. Additional statutory exemptions can be found in other sections of the Public Resources Code, or in other California Codes including the Business and Professional Code, California Education Code, Fish and Game Code, Government Code, Health and Safety Code, Military and Veteran's Code, Penal Code, Water Code, and Welfare and Institutions Code. Projects covered by statutory exemptions may include those that could result in significant environmental effects, but for which the Legislature has determined that the benefits of these projects to the state or a particular community outweigh the benefits of complying with CEQA. The main Statutory Exemptions under CEQA include (but are not limited to):

- **Ministerial Projects:** Where the Lead Agency uses objective standards and little or no judgement in its decision-making. For example, approval of most building permits consists of reviewing objective standards as outlined in a City Zoning Code and California Building Code (CEQA Statute Sections 21080(b)(1) and State CEQA Guidelines Sections 15268 and 15369.
- **Emergency Projects:** Where urgency is required to implement projects that reduce threats to health and property (CEQA Statute Sections 21080(b)(2)-(4) and State CEQA Guidelines Section 15269).
- **Disapproved Projects:** Where an agency declines to approve a project or commence an action (Public Resources Code Section 21080(b)(5) and State CEQA Guidelines Section 15270(a)).

As a substantial landslide caused damage to Lopes Road, a Fairfield potable water line, and a Benicia non-potable water line, the actions to repair the facilities constitutes an emergency project under the CEQA. Without repair to these facilities, Fairfield and Benicia residents could be exposed to health and property effects. Specifically, this project qualifies for a statutory exemption under CEQA Guidelines Section 15269(b) and (c), both of which states:

> *(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.*
>
> *(c)Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.*

The analysis provided above and Standard Commitments and Regulatory Permit Requirements identified below to be implemented would ensure effects to the physical and human environment do not occur or are less than significant.

8. Standard Commitments and Regulatory Permit Requirements

The following Standard Commitments, Best Management Practices (BMPs), and Regulatory Permit Requirements shall be included in bid packages and construction notices for implementing during construction. Some of the measures related to biological resources listed below are directly from the USFWS *Programmatic Formal Section 7 Consultation on Federal Emergency Management Agency's Disaster, Mitigation, and Preparedness Programs within the Sacramento Fish and Wildlife Office's Jurisdiction, California,* dated March 27, 2019. These measures are included verbatim for completeness; however, some of the measures may not be applicable to this proposed project. Prior to construction, field conditions shall be assessed to determine if some measures are no longer necessary.

8.1 Vegetation Communities (Standard Commitments)

The following avoidance measures shall be implemented to avoid construction affects to the wild oats and annual brome grassland community:

- Existing vegetation to be retained shall be protected using highly visible temporary fencing, which shall remain in place and maintained in good condition until construction is complete. The location of temporary fencing shall be approved by a qualified biologist.
- All disturbed areas shall be restored to pre-construction contours (as applicable) and revegetated either through hydroseeding or other means, with native or approved non-invasive, non-native species.
- Standard construction BMPs will be described in full in the northern segment's SWPPP or Water Pollution Control Plan (WPCP). These BMPs will be implemented throughout construction to avoid and minimize adverse effects to the water quality within the southern segment. Appropriate erosion control measures will be used (including, but not limited to, straw wattles, filter fences, vegetative buffer strips, or other accepted equivalents) to reduce siltation and contaminated runoff from project sites. All erosion control materials, including straw wattles and erosion control blanket material, used on-site will be biodegradable. Use of erosion control containing plastic monofilament will not be allowed as wildlife may become entrapped in this material. Wattles should be wrapped with 100 percent biodegradable materials like burlap, jute, or coir.

8.2 Burrowing Owl, Northern Harrier, Short-eared Owl, Tricolored Blackbird and White-Tailed Kite (Standard Commitments)

The Standard Commitments above in Section 8.1 and the following would be implemented to avoid affects to nesting Northern Harrier, Short-eared Owl, or other bird species found prior to commencement and during project construction.

- If possible, complete vegetation removal and ground disturbance during the non-breeding season, between September 1 through January 31.

- If vegetation removal and/or ground disturbance is scheduled during the nesting season (February 1 to August 31), a preconstruction survey for nesting birds shall be conducted by a qualified biologist within 7 days from the commencement of construction activities. The survey shall be conducted within the project impact area and a 250-foot radius (within the wild oats and annual brome grassland community).
- If the preconstruction survey does not identify any active nests, work may proceed.
- If the preconstruction survey identifies any active nests, an appropriate no-work buffer shall be established by a qualified biologist. The size of the buffer shall be determined based on the proximity of the active nest to work activities, ambient noise levels, and other factors determined relevant by the qualified biologist (e.g., line of sight). The no-work buffer zone shall be delineated by highly visible temporary construction fencing, which shall remain in place and maintained in good condition until the nest is no longer active, as determined by a qualified biologist.

8.3 Pappose Tarplant (Standard Commitments)

The following shall be implemented prior to commencement of project construction activities to reduce potential affects to Pappose Tarplant, if the species is located on the project site.

- A qualified biologist or botanist shall conduct focused surveys for Pappose Tarplant during the normal blooming period (May through November) for the target species. The surveys shall be conducted within the construction area and prior to any ground disturbing activities. The results of the survey shall be documented in a concise memorandum. If the survey results are negative, work can proceed without additional avoidance measures.
- If Pappose Tarplant or other special-status plant species are identified within the construction area, a salvage and relocation plan shall be prepared to avoid and minimize direct impacts to special-status plants. The plan shall identify the methods of salvage (e.g., seed collection, individual transplants) and the relocation area(s), with onsite relocation areas being preferable and at a minimum 1:1 compensation-to-impact ratio. The plan shall also include provisions for long-term protections, monitoring, and management requirements for a minimum of 5 years.

8.4 California Red-legged Frog (Regulatory Permit Requirements)

To comply with regulatory permit requirements associated with the *United States Fish and Wildlife Service (Service) Programmatic Formal Section 7 Consultation on Federal Emergency Management Agency's Disaster, Mitigation, and Preparedness Programs within the Sacramento Fish and Wildlife Office's Jurisdiction, California* dated March 27, 2019, the following measures and the Standard Commitments above in Section 8.1 shall be implemented as applicable:

- **Biological Monitor:** A Service-approved biologist(s) would be onsite during all activities that may result in take of California red-legged frogs.
- **Seasonal Avoidance:** Project activities will be scheduled to minimize adverse effects to the California red-legged frog and its habitat. Disturbance to upland habitat will be confined to the dry season, generally May 1 through October 15 (or

the first measurable fall rain of one-inch or greater) because that is the time period when California red-legged frogs are less likely to be moving through upland areas. However, if unavoidable, conduct grading and other disturbance in pools and ponds only when they are dry, typically between July 15 and October 15. Work within a pool or wetland may begin prior to July 15 if the pool or wetland has been dry for a minimum of 30 days prior to initiating work.

- **Rain Event Limitations:** To the maximum extent practicable, no construction activities will occur during rain events or within 24 hours following a rain event. Prior to construction activities resuming, a Service-approved biologist will inspect the Action Area (i.e., project site) and all equipment/materials for the presence of California red-legged frogs. Construction may continue 24 hours after the rain ceases if no precipitation is forecasted within 24-hours. If rain exceeds 0.5 inches during a 24-hour period; work will cease until no further rain is forecasted. The Service may approve modifications to this timing on a case-by-case basis.
- **Pre-Construction Survey:** No more than 24 hours prior to the date of initial ground disturbance and vegetation clearing, a Service-approved biologist with experience in the identification of all life stages of the California red-legged frog and designated critical habitat will conduct a pre-construction survey at the project site. The survey will consist of walking the project limits and within the project site to determine possible presence of the species. The Service-approved biologist will investigate all areas that could be used by California red legged frogs for feeding, breeding, sheltering, movement, and other essential behaviors, such as small woody debris, refuse, burrows entries, etc.
- **Daily Clearance Surveys:** The Service-approved biologist will conduct clearance surveys at the beginning of each day and regularly throughout the workday when construction activities are occurring that may result in take of California red-legged frogs.
- **Environmentally Sensitive Areas:** Prior to the start of construction, Environmentally Sensitive Areas (ESAs) - defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed - will be clearly delineated using high visibility orange fencing. The ESA fencing will remain in place throughout the duration of the proposed action, while construction activities are ongoing, and will be regularly inspected and fully maintained at all times. The final project plans will depict all locations where ESA fencing will be installed and will provide installation specifications. The bid solicitation package special provisions will clearly describe acceptable fencing material and prohibited construction related activities including vehicle operation, material and equipment storage, access roads and other surface-disturbing activities within ESAs. With prior approval from the Service, a hybrid Wildlife Exclusion Fencing (WEF) material that is both hi-visibility and impermeable to wildlife movement may be used in place of paired ESA fencing and WEF fencing. Also with prior approval from the Service, an exception to the foregoing fencing measures may apply on a case-by-case basis during the following situations: (1) at work sites where the duration of work activities is very short (e.g., 3 days or less), the work activities occur during the dry season, and the installation of ESA fencing will result in more ground disturbance than from project activities; or (2) at work sites where the substrate (i.e., rock, shale, etc.) or topography (i.e., slopes> 30 degrees) inhibit the safe and proper installation of

fencing materials. In these cases, biological monitoring will occur during all project activities at that site.

- **Wildlife Exclusion Fencing:** Prior to the start of construction, WEF will be installed at the edge of the project footprint in all areas where California red legged frogs could enter the construction area. The onsite Project Manager and the Service-approved biologist will determine location of the fencing prior to the start of staging or surface disturbing activities.
    - Exclusion fencing will be at least 3 feet high and the lower 6 inches of the fence will be buried in the ground to prevent animals from crawling under. The remaining 2.5 feet will be left above ground to serve as a barrier for animals moving on the ground surface.
    - Such fencing will be inspected and maintained daily by the Service-approved biologist until completion of the project and removed only when all construction equipment is removed from the site.
    - The WEF specifications will be included in the final project plans and in the bid solicitation package (special provisions) and will include the WEF specifications including installation and maintenance criteria.
    - The WEF will remain in place throughout the duration of the project and will be regularly inspected and fully maintained. Repairs to the WEF will be made within 24 hours of discovery.
    - Upon project completion the WEF will be completely removed, the area cleared of debris and trash, and returned to natural conditions.
    - With prior approval from the Service, an exception to the foregoing fencing measures may apply on a case by-case basis during the following situations: 1) at work sites where the duration of work activities are very short (e.g., 3 days or less), the work activities occur during the dry season, and the installation of exclusion fencing will result in more ground disturbance than from project activities; or (2) at work sites where the substrate (i.e., rock, shale, etc.) or topography (i.e., slopes> 30 degrees) inhibit the safe and proper installation of fencing materials. In these cases, species monitoring will occur during all project activities at that site. Modifications to this fencing measure may be made on a case-by-case basis with approval from the Service.
    - With the prior approval from the Service, a hybrid ESA/WEF fencing material that is both hi-visibility and impermeable to wildlife movement may be used in place of paired ESA fencing and WEF fencing.
- **Entrapment Prevention:** To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 6 inches deep will be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. The Service-approved biologist will inspect all holes and trenches at the beginning of each workday and before such holes or trenches are filled. All replacement pipes, culverts, or similar structures stored in the Action Area overnight will be inspected before they are subsequently moved, capped, and/or buried. If at any time a California red-legged frog is discovered, the onsite Project Manager and Service approved biologist will be notified immediately and the Service-approved biologist will implement the species observation and handling protocol. If handling is necessary, work will be suspended until the appropriate level of coordination is complete.

- **Encounters with Species:** Each encounter with a California red-legged frog will be treated on a case-by-case basis. If any life stage of the California red-legged frog is found and these individuals may be killed or injured by work activities, the following will apply:
    - If California red-legged frogs are detected in the Action Area, work activities within 50 feet of the individual that may result in the harm, injury, or death to the animal will cease immediately and the onsite Project Manager and Service-approved biologist will be notified. Based on the professional judgment of the Service-approved biologist, if project activities can be conducted without harming or injuring the California red-legged frog, it may be left at the location of discovery and monitored by the Service-approved biologist. All project personnel will be notified of the finding and at no time will work occur with 50 feet of a California red-legged frog without a Service-approved biologist present.
    - To the maximum extent possible, contact with the individual frog will be avoided and it will be allowed to move out of the hazardous situation of its own volition. This procedure applies to situations where a California red-legged frog is encountered while it is moving to another location. It does not apply to animals that are uncovered or otherwise exposed or in areas where there is not sufficient adjacent habitat to support the species if the individual moves away from the hazardous location.
- **Species Observations and Handling Protocol:** If a California red-legged frog does not leave the work area, the Service-approved biologist will implement the species observation and handling protocol outlined below. Only Service-approved biologists will participate in activities associated with the capture, handling, relocation, and monitoring of California red-legged frogs.
    - Prior to handling and relocation, the Service-approved biologist will take precautions to prevent introduction of amphibian diseases in accordance with the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (Service 2003c). Disinfecting equipment and clothing is especially important when biologists are coming to the Action Area to handle amphibians after working in other aquatic habitats. California red-legged frogs will also be handled and assessed according to the Restraint and Handling of Live Amphibians (USGS National Wildlife Health Center 2001).
    - California red-legged frogs will be captured by hand, dip net, or other Service-approved methodology, transported and relocated to nearby suitable habitat outside of the work area and released as soon as practicable the same day of capture. Individuals will be relocated no greater than 300 feet outside of the project site to areas with an active rodent burrow or burrow system (unless otherwise approved by the Service and with written landowner permission). Holding/transporting containers and dip nets will be thoroughly cleaned, disinfected, and rinsed with freshwater prior to use within the Action Area. The Service will be notified within 24 hours of all capture, handling, and relocation efforts.
    - If an injured California red-legged frog is encountered and the Service-approved biologist determines the injury is minor or healing and the individual is likely to survive, the frog will be released immediately. The

California red-legged frogs will be monitored until it is determined that it is not imperiled by predators or other dangers.
    - If the Service-approved biologist determines that a California red-legged frog has major or serious injuries as a result of project-related activities the Service-approved biologist, or designee, will immediately take it to a Service-approved facility. If taken into captivity the individual will remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by the Service. The Subapplicant will bear any costs associated with the care or treatment of such injured California red-legged frogs. The circumstances of the injury, the procedure followed, and the final disposition of the injured animal will be documented in a written incident report to the Service as described below.
    - Notification to the Service of an injured or dead California red-legged frog in the Action Area will be made and reported whether or not its condition resulted from project-related activities. In addition, the Service-approved biologist will follow up with the Service in writing within 2 calendar days of the finding. Written notification to the Service will include the following information: the species, number of animals taken or injured, sex (if known), date, time, location of the incident or of the finding of a dead or injured animal, how the individual was taken, photographs of the specific animal, the names of the persons who observe the take and/or found the animal, and any other pertinent information. Dead specimens will be preserved, as appropriate, and will be bagged and labeled (i.e., species type; who found or reported the incident; when the report was made; when and where the incident occurred; and if possible, the cause of death). Specimens will be held in a secure location until instructions are received from the Service regarding the disposition of the specimen.
- **Environmental Awareness Training:** Prior to the start of construction, a Service approved biologist with experience in the ecology of the California red-legged frog as well as the identification of all its life stages will conduct a training program for all construction personnel including contractors and subcontractors. Interpretation for non-English speaking workers will be provided. All construction personnel will be provided a fact sheet conveying this information. The same instruction will be provided to any new workers before they are authorized to perform project work. The training will include, at a minimum:
    - habitat within the Action Area;
    - an explanation of the species status and protection under state and federal laws;
    - the avoidance and minimization measures to be implemented to reduce take of this species;
    - communication and work stoppage procedures in case a listed species is observed within the Action Area; and
    - an explanation of the importance of the ESAs and WEFs.
- **Disease Prevention and Decontamination Procedures:** To ensure that diseases are not conveyed between work sites by the Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. A copy of the code of practice is enclosed.
- **Pump Screens:** If a water body is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 5 millimeters and the

intake will be placed within a perforated bucket or other method to attenuate suction to prevent California red legged frogs from entering the pump system. Pumped water will be managed in a manner that does not degrade water quality and upon completion be released back into the water body, or at an appropriate location in a manner that does not cause erosion. No rewatering of the water body is necessary if sufficient surface or subsurface flow exists to fill it within a few days, or if work is completed during the time of year the water body will have dried naturally. To avoid effects to eggs and larvae, work within seasonal ponds will be conducted when the pond has been dry naturally for at least 30 days.

- **Hand Clear Vegetation:** Hand clear vegetation in areas where California red legged frogs are suspected to occur. All cleared vegetation will be removed from the project footprint to prevent attracting animals to the project site. A Service approved biologist will be present during all vegetation clearing and grubbing activities. Prior to vegetation removal, the Service-approved biologist will thoroughly survey the area for California red legged frogs. Once the Service-approved biologist has thoroughly surveyed the area, clearing and grubbing may continue without further restrictions on equipment; however, the Service-approved biologist will remain onsite to monitor for California red-legged frogs until all clearing and grubbing activities are complete.
- **Wildlife Passage for Road Improvement:** When constructing a road improvement, wherever possible, enhance or establish wildlife passage for the California red-legged frog across roads, highways, or other anthropogenic barriers. This includes upland culverts, tunnels, and other crossings designed specifically for wildlife movement, as well as making accommodations in curbs, median barriers, and other impediments to terrestrial wildlife movement at locations most likely beneficial to the California red-legged frog.
- **Accidental Spills, SWPPP, Erosion Control, and BMPs:** Prior to the onset of work, a plan will be in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to implement if a spill occurs. Stormwater pollution prevention plans and erosion control BMPs will be developed and implemented to minimize any wind- or water-related erosion. These provisions will be included in construction contracts for measures to protect sensitive areas and prevent and minimize storm-water and non-stormwater discharges. Protective measures will include, at a minimum:
    - No discharge of pollutants from vehicle equipment cleaning is allowed into any storm drains or watercourses.
    - Vehicle and equipment fueling and maintenance operations must be at least 50 feet away from aquatic or riparian habitat and not in a location where a spill may drain directly toward aquatic habitat, except at established commercial gas stations or at an established vehicle maintenance facility. The monitor will implement the spill response plan to ensure contamination of aquatic or riparian habitat does not occur during such operations.
    - Concrete wastes will be collected in washouts and water from curing operations is to be collected and disposed of properly. Neither will be allowed into watercourses.
    - Spill containment kits will be maintained onsite at all times during construction operations and/or staging or fueling of equipment.

    - Dust control will be implemented and may include the use of water trucks and non-toxic tackifiers (binding agents) to control dust in excavation and fill areas, rocking temporary access road entrances and exits, and covering of temporary stockpiles when weather conditions require.
    - Graded areas will be protected from erosion using a combination of silt fences, fiber rolls, etc. along toes of slopes or along edges of designated staging areas, and erosion control netting (such as jute or coir) as appropriate on sloped areas. No erosion control materials that use plastic or synthetic monofilament netting will be used.
    - Permanent erosion control measures such as bio-filtration strips and swales to receive storm water discharges from paved roads or other impervious surfaces will be incorporated to the maximum extent practicable.
    - All grindings and asphaltic-concrete waste will be stored within previously disturbed areas absent of habitat and at a minimum of 50 feet from any aquatic habitat, culvert, or drainage feature.
- **Site Restrictions:** The following site restrictions will be implemented to avoid or minimize effects on the listed species and its habitat:
    - A speed limit of 15 miles per hour (mph) in the project footprint in unpaved areas will be enforced to reduce dust and excessive soil disturbance.
    - Construction and ground disturbance will occur only during daytime hours and will cease no less than 30 minutes before sunset and may not begin again earlier than 30 minutes after sunrise.
    - Except when necessary for driver or pedestrian safety, to the maximum extent practicable, artificial lighting at a project site will be prohibited during the hours of darkness.
    - Routes and boundaries of roadwork will be clearly marked prior to initiating construction or grading.
    - To the maximum extent practicable, any borrow material will be certified to be non-toxic and weed free.
    - All food and food-related trash items will be enclosed in sealed trash containers and properly disposed of offsite.
    - No pets will be allowed anywhere in the Action Area during construction.
- **Suitable Erosion Control Materials:** To prevent California red-legged frogs from becoming entangled, trapped, or injured, erosion control materials that use plastic or synthetic monofilament netting will not be used within the Action Area. This includes products that use photodegradable or biodegradable synthetic netting, which can take several months to decompose. Acceptable materials include natural fibers such as jute, coconut, twine, or other similar fibers. Following site restoration, erosion control materials, such as straw wattles, will not block movement of the California red-legged frog.
- **Limitation on Insecticide/Herbicide Use:** Insecticides or herbicides will not be applied at the project site during construction where there is the potential for these chemical agents to enter creeks, streams, waterbodies, or uplands that contain habitat for the California red-legged frog.
- **Limitation on Rodenticide Use:** No rodenticides will be used at the project site during construction or long-term operational maintenance in areas that support suitable upland habitat for the California red-legged frog.
- **Invasive Non-Native Plant Species Prevention:** The Service-approved biologist will ensure that the spread or introduction of invasive non-native plant species, via

introduction by arriving vehicles, equipment, imported gravel, and other materials, will be avoided to the maximum extent possible. When practicable, invasive non-native plants in the Action Area will be removed and properly disposed of in a manner that will not promote their spread. Areas subject to invasive non-native weed removal or disturbance will be replanted with appropriate mix of fast-growing native species. Invasive non-native plant species include those identified in the California Invasive Plant Council's (Cal-IPC) Inventory Database, accessible at: www.cal- ipc.org/ip/inventory/index.php.

- **Removal of Diversion and Barriers to Flow:** Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that will allow flow to resume with the least disturbance to the substrate. Alteration of creek beds will be minimized to the maximum extent possible; any imported material will be removed from stream beds upon completion of the project.
- **Removal of Non-Native Species:** A Service-approved individual will permanently remove, from within the Action Area, any individuals of non-native species, such as bullfrogs, crayfish, and centrarchid fishes, to the maximum extent possible. The Subapplicant is responsible for ensuring that these activities are in compliance with the California Fish and Game Code. No conversion of seasonal breeding aquatic habitat to perennial aquatic breeding habitat is allowed under this programmatic biological opinion. Creating new perennial water bodies in the vicinity of California red legged populations where the ponds could be colonized by predators will also be avoided. Larval mosquito abatement efforts will be avoided in occupied breeding habitat for the species.
- **Restore Contours of Temporarily Disturbed Areas:** Habitat contours will be returned to their original configuration at the end of project activities in all areas that have been temporarily disturbed by activities associated with the project, unless the Subapplicant and the Service determine that it is not feasible or modification of original contours will benefit the California red-legged frog.
- **Use of Native Plants for Revegetation:** Plants used in revegetation will consist of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practicable. This measure will be implemented in all areas disturbed by activities associated ,with the project, unless the Subapplicant and the Service determine that it is not feasible or practical.
- **Practices to Prevent Pathogen Contamination in Revegetation and Restoration:** The Subapplicant will refer to the following restoration design considerations and practices to help prevent pathogen contamination in revegetation and restoration as published by the Working Group for Phytophtora in Native Habitats to address the risk of introduction and spread of Phytophtora and other plant pathogens in site plantings:
    - Design restoration with lower initial plant density. Planting large quantities of nursery plants increases the likelihood that some of those plants may be infested with Phytophtora or other plant pathogens. The greater the number of plants installed the higher the risk for pathogen introduction. The closer the plants are to one another the higher the likelihood of pathogen spread.
    - To the extent possible, use direct seeding of native plant seeds or cuttings instead of container stock. Planting locally-collected seeds or cuttings rather than installing container stock can minimize the risk of introducing pathogens to a site.

- Ensure the use of clean nursery stock. To prevent and manage the introduction and spread of Pfytophthora and other plant pathogens during revegetation and restoration activities, it is essential that projects use clean nursery stock grown with comprehensive best management practices.
- Prevent contamination in site preparation, installation, and maintenance. Implementing best management practices to prevent pathogen introduction and spread is also critical during all\ other phases of revegetation and restoration to reduce contamination risk. For detailed guidance on how to prevent and manage Pfytophthora during various aspects of restoration, including nursery plant production, see The Phytophthora in Native Habitats Work Group "Restoration Guidance" at www.calphytos.org.
- Reduce the potential for pathogen spread and introduction due to movement or use of non-sanitized vehicles, tools, footwear or inadvertent use of contaminated materials (e.g. soil erosion protection wattles and mulch, or non-sanitized materials recycled from other projects such as rebar, fencing materials, etc.). Fundamental principles include:
    - Minimize project footprint and soil disturbance. Keep the number of vehicle passthroughs and other disturbances during site activities to the least necessary. Avoid visits when conditions are wet, and areas are muddy. Park vehicles in designated staging areas.
    - Follow sanitation practices. Phytophtora and many other pathogens move when contaminated soil is transferred on vehicle tires, footwear, on contaminated tools or infested plant materials. Follow sanitation best management practices: tools, boots, and vehicles will be visibly free of soil before and after use.
    - Promote prevention through education. Ensure that onsite personnel are aware of the risk of inadvertent pathogen introductions and understand how to prevent pathogen introduction and spread. A pre-project meeting that provides appropriate BMP training to all workers and oversight managers who will be onsite during the project will help avoid confusion and delays in the field and will ensure in advance that everyone understands the project goals related to pathogen prevention.

8.5 Unanticipated Cultural Resource Discoveries (Standard Conditions)

If a cultural resource is discovered during construction activities, the construction contractor shall comply with the following Standard Commitments:

- The person discovering the cultural resource shall notify the Solano County or the project's designated qualified cultural resource professional by telephone within four hours of the discovery or the next working day if the department is closed.
- When the cultural resource is located outside the area of disturbance, the project's designated qualified cultural resource professional shall be allowed to photo document and record the resource and construction activities may continue during this process.
- When the cultural resource is located within the area of disturbance, all activities that may impact the resource, as determined by the site's designated qualified cultural resource professional, shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by

site's designated qualified cultural resource professional may continue. The project's designated qualified cultural resource professional shall be allowed to conduct a survey to evaluate the significance of the cultural resource, which evaluation shall be complete within two weeks of the discovery unless extraordinary circumstances require additional time.

- When the cultural resource is determined to be not significant, the project's designated qualified cultural resource professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the project's designated qualified professional.
- When a resource is determined to be significant, the resource shall be avoided by establishing boundaries around its perimeter by the project's designated qualified cultural resource professional or a cultural resource management plan shall be prepared by the project's designated qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of CEQA to address the effects of construction on the resource. The project's designated qualified cultural resource professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the project's designated qualified cultural resource professional. All further activity authorized by this permit shall comply with the cultural resources management plan, if necessary.

For the purposes of implementing this Standard Commitment, a "qualified cultural resource professional" is an individual (e.g., historian or archaeologist) meeting the Secretary of the Interior's Qualification Standards a "cultural resource" is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Calaveras County, the State of California, or the nation which is 50 years of age or older or has been listed on or is eligible for listing on the National Register of Historic Places, the California Register of Cultural Resources, or any local register.

8.6 Human Remains (Standard Conditions and Regulatory Requirements)

If human remains are encountered during project implementation, the California Health and Safety Code (HSC) 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 the remains within 48 hours of receiving notice of the discovery on private or state lands (HSC Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, they must contact the NAHC by phone within 24 hours of making that determination (HSC Section 7050.5[c]).

The responsibilities of the NAHC for acting upon notification of a discovery of Native American human remains are identified within the California Public Resources Code (PRC Section 5097.9). The NAHC is responsible for immediately notifying the person it believes is 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 their notification by the NAHC (PRC Section 5097.98[a]). If an agreement for treatment of the remains cannot be resolved satisfactorily, 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 re-inter 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]).

8.7 Unanticipated Hazardous Material Spill During Construction (Standard Conditions)

If a hazardous material is released or a spill occurs during project construction the following Standard Commitments shall be implemented:

- Prior to commencement of construction a spill prevention plan shall be prepared and in place identifying responsible parties to carry out control measures immediately in the event a spill or release occurs. The plan shall include the following:
    - Identification of individuals responsible for implementing control measures as well as personnel to contact in case of a spill.
    - Identification of spill response procedures for small medium and worst-case events, as appropriate.
    - Definition of safety measures for each kind of waste used during project construction.
    - Instructions for how to notify appropriate authorities, such as police and fire departments, and hospitals as needed and as applicable.
    - Description of procedures approved by state and local governments for containing, diverting, isolating, and cleaning up spills.
    - Description of spill response equipment to use, including safety and cleanup equipment, location of spill kits, and proper disposal methods for used materials.
- Standard spill kits shall be present on the project site during project construction activities.
- For any spill, construction staff should avoid the use of water for cleaning to prevent contaminated water from reaching storm drains; dry spills can be swept up while wet spills can be contained and absorbed using the equipment included in standard spill kits.

8.8 Noise - Nighttime Construction Activities (Regulatory Requirement)

If nighttime construction activities generating noise must occur for project implementation, the construction contractor would require written permission from the City of Fairfield Director of Public Works.

8.9 Paleontological Resources (Standard Conditions)

If during project construction previously unknown paleontological resources are unearthed, the following avoidance measure shall be implemented:

- If paleontological resources are discovered during earth-moving activities, the construction contractor shall immediately cease work in the vicinity of the find and shall notify assigned City of Fairfield Staff. The project contractor shall retain a qualified, and City-approved paleontologist to evaluate the resource and identify next steps to be taken.
    - These next steps to be taken, include, but are not limited to, preparing a proposed mitigation plan in accordance with current Society of Vertebrate Paleontology guidelines. The proposed mitigation plan may include

requirements to conduct a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. The mitigation plan and its recommendations that are determined to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

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10. Attachment

Attachment A: Figures

ATTACHMENT A
FIGURE 1: REGIONAL LOCATION
FIGURE 2: PROJECT LOCATION
FIGURE 3 AREA OF DIRECT IMPACT MAP

Regional Location

Legend

- Project Location
- Solano County

0 10 Miles

N

Lopes Road and Water Pipeline Reconstruction Emergency Project

Figure 1

Dewberry

Author: A. Der-Gevorgian
Last updated on Wednesday, April 3, 2024

Path: U:\50170945 - Lopes Road Water Pipeline - Ci of Fairfield\400 Proj Design\460 Environ\07 GIS\APRX\Fig_1_Fig_2\Fig_1_Fig_2.aprx

Project Vicinity

Lopes Road and Water Pipeline Reconstruction Emergency Project

Figure 2

Legend

Project Study Area

Dewberry

Author: A. Der-Gevorgian
Last updated on Friday, May 17, 2024

0 500 Feet

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Path: U:\50170945 - Lopes Road Water Pipeline - Ci of Fairfield\400 Proj Design\460 Environ\07 GIS\APRX\Fig_1_Fig_2\Fig_1_Fig_2.aprx

Area of Direct Impact Map

Legend

- Project Boundary
- Area of Direct Impact
- Temporary Grading
- Proposed Waterlines
- Roadway
- Permanent Waterlines
- Permanent Waterlines-Road-Structure

0 500 Feet

1:6,000

N

Lopes Road and Water Pipeline Reconstruction Emergency Project Fairfield, CA

Figure 3

Dewberry

Author: A. Der-Gevorgian
Last updated on Wednesday, July 10, 2024

Path: \\dewberry.dewberryroot.local\Offices\RanchoCordova\Projects\50170945 - Lopes Road Water Pipeline - Ci of Fairfield\400 Proj Design\460 Environ\07 GIS\APRX\APE\APE.aprx