

RESOLUTION NO. 2003-372

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUN 10 2003

RESOLUTION TO ADOPT THE NEGATIVE DECLARATION FOR THE HOWE AVENUE 54-INCH WATER TRANSMISSION MAIN PROJECT (PN: Z156) AND TO ADOPT THE MITIGATION REPORTING PLAN

WHEREAS, the City of Sacramento has determined the need for the Howe Avenue 54-inch Water Transmission Main Project, hereinafter called the "Project", and has included the Project in the City of Sacramento Capital Improvement Program pending CEQA compliance; and

WHEREAS, the City of Sacramento has conducted an initial study to determine if the Project may have a significant effect on the environment, and

WHEREAS, the Initial Study concludes that there is no substantial evidence that the Project, or any of its aspects, may cause a significant effect on the environment and a Negative Declaration is therefore appropriate, and

WHEREAS, the Initial Study concluded that the Project has no potential for any adverse effect, either individually or cumulatively on wildlife resources, and

WHEREAS, the City of Sacramento has provided for public review to accommodate response to the proposed Negative Declaration on the Project,

NOW, THEREFORE BE RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT:

1. The City Council hereby adopts the Project Negative Declaration, finding on the basis of the Initial Study and comments received that there is no substantial evidence that the Project may have a significant effect on the environment.
2. The City Council hereby adopts the attached Mitigation Reporting Plan.

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3. The City Council hereby finds that there is no evidence before them that the Project, located in Sacramento County, will have any potential adverse effect on wildlife resources.

Heather Fargo
MAYOR

ATTEST:

Alvin A. Burrows
CITY CLERK

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**Howe Avenue Transmission Main Alignment Project (CIP# Z156)
MITIGATION REPORTING PLAN**

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures included in this Negative Declaration. For this project, mitigation reporting will be performed by the City of Sacramento Department of Utilities in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Reporting Plan is being prepared by the Planning and Building Department Office of Environmental Affairs, 1231 I Street, Suite 300, Sacramento, CA 95814, (916) 264-2762, pursuant to the California Environmental Quality Guidelines, Section 21081.

The Department of Utilities will submit its completed Reporting Plan to the Environmental Planning Services for inclusion in the annual report to the City Council.

Project Number: CIP # Z156

Project Name: Howe Avenue Transmission Main Alignment Project

Project Location:

The proposed alignment extends from the E.A. Fairbairn Water Treatment Plant (WTP) located on the south bank of the American River, east of California State University Sacramento (CSUS), under the American River, north along University Avenue to the intersection of University Avenue and Howe Avenue.

Project Description:

The City of Sacramento provides treated surface water to its customers through the E.A. Fairbairn WTP and the Sacramento River WTP. The City is in the process of expanding the E.A. Fairbairn WTP to increase treatment capacity to 200 million gallons per day (mgd) to meet increased water demands. A 24-inch transmission main currently extends from the proposed connection point at the intersection of Howe and University Avenues to the E. A. Fairbairn WTP. The proposed project would serve to connect the transmission systems of the two WTPs, which would enable the City to serve rapidly growing areas north of the American River, reduce groundwater overdraft and increase the reliability of the water transmission system. The existing 24-inch main would remain in use and serve to supplement the new 54-inch water transmission main.

Howe Avenue Transmission Main Alignment Project (CIP # Z156)

MITIGATION REPORTING PROGRAM CHECKLIST

Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	VERIFICATION OF COMPLIANCE		
			Initials	Date	Remarks
<p>AIR QUALITY: Project construction would generate limited amounts of dust (including PM-10 and PM-2.5) primarily from "fugitive" sources from trenching and excavation activities. The project would also result in substantial amounts of other criteria air pollutants primarily from the operation of heavy construction equipment (primarily diesel operated), haul truck round-trips, and construction worker automobile trips (primarily gasoline operated).</p>					
<p>Mitigation Measure 4.5-1 The Contractor shall be responsible for the control of dust within the limits of the project at all times. Therefore, the City shall ensure through contractual agreements that the Contractor follow the SMAQMD's Fugitive Dust Rule 403 and Rule 405 in order to ensure that dust is reduced to the maximum extent possible during all phases of the project. Construction related measures to reduce fugitive dust during all phases of construction shall include, but not be limited to, the following, as applicable: A. Enclose, cover or water all soil piles a minimum of twice daily; B. Water all exposed soil with adequate frequency to keep soil moist at all times; C. Water all haul roads a minimum of three times per day; D. Cover the loads of all haul/dump trucks securely; E. Sweep as needed (with water sweepers) all paved access roads, parking areas and staging areas at the construction site; F. Sweep (with water sweepers) paved streets adjacent to the project construction site as needed to remove accumulated dust; G. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); H. Limit traffic speeds on unpaved roads to 15 miles per hour; I. Replant vegetation in disturbed areas as quickly as possible;</p>	<p>During and after construction</p>	<p>Department of Utilities and Contractor</p>			

Mitigation Measure		VERIFICATION OF COMPLIANCE			
Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks	
<p>Mitigation Measure 4.5-1 (Cont.)</p> <p>J. Construction activities shall follow the Sacramento Metropolitan Air Quality Management District Rule 405 on dust and condensed fumes, so that emissions do not exceed hourly levels as regulated per processing weight;</p> <p>K. The Contractor shall follow the Sacramento Metropolitan Air Quality Management District's Fugitive Dust Rule 403 in order to ensure that dust is reduced to a less-than-significant level;</p> <p>L. Construction equipment shall be maintained and tuned at the interval recommended by the manufacturer to minimize exhaust emissions and odors and increase fuel efficiency; and</p> <p>M. Equipment idling shall be kept to a minimum when equipment is not in use. No piece of equipment shall be left to idle in one place for more than 30 minutes.</p>					
<p>Mitigation Measure 4.5-2</p> <p>The following measures shall be included in the project's construction specifications to help prevent potential violations of State ozone standards:</p> <p>A. Minimize idling time; and</p> <p>B. Maintain engines in good condition and proper tune.</p>	During construction	Department of Utilities and Contractor			

VERIFICATION OF COMPLIANCE				
Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	Initials	Date
<p>Mitigation Measure 4.5-3</p> <p>To reduce potentially significant short-term NOx emissions for the project to less than significant levels, the applicant agrees to implement the following SMAQMD Recommended Mitigation for Reducing Emissions from Heavy-Duty Construction Vehicles (January 2002):</p> <p>Category 1: Reducing NOx emissions from off-road diesel powered equipment</p> <p>The project shall provide a plan for approval by SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and</p> <p>The project representative shall submit SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p> <p>Category 2: Controlling visible emissions from off-road diesel powered equipment</p> <p>The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the</p>	<p>During and after construction</p>	<p>Department of Utilities and Contractor</p>		

¹ Acceptable options for reducing emissions may include use of late model engines [175hp – 750hp (1996 or newer); 100hp – 174hp (1997 or newer); 50hp – 99hp (1998 or newer)], low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

MITIGATION MEASURES				VERIFICATION OF COMPLIANCE		
Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	Initials	Date	Remarks	
<p>Mitigation Measure 4.5-3 (Cont.) project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supercede other SMAQMD or state rules or regulations.</p>						
<p>TRANSPORTATION/CIRCULATION: Two residential parking lots at 1025 and 1255 University Avenue would be temporarily affected during microtunneling under the American River; approximately 25% of each apartment's available parking will be required for a temporary construction easement. Construction is scheduled for summer months (starting in June) in order to coincide with a reduction in numbers of California State University Sacramento (CSUS) students, who inhabit local apartment complexes or park in the proposed project area and cross the Guy West bridge to the CSUS campus. The project engineer has confirmed with the landowner at 1025 University Avenue that most of their tenants are students, and that remaining available parking will be adequate for the number of summer tenants.</p>						
<p>Mitigation Measure 4.6-1 if available parking for both apartment complexes is not adequate, the City will issue affected tenants long-term parking permits for parking on University Avenue for the duration of construction.</p>	During construction	Department of Utilities and Contractor				
<p>BIOLOGICAL RESOURCES: Indirect impacts to aquatic species (fish and reptiles) could result if the proposed project discharges sediments into the American River; these impacts are potentially significant. If construction of the proposed project occurs during the breeding season (March 1 to September 15) and herons, egrets or raptors are nesting within 500-feet of construction activities, the proposed project could result in indirect impacts to these nesting birds. With the mitigation measures listed below, the impacts on sensitive species are anticipated to be less than significant. Waters of the U.S. and wetland habitat in the proposed project will not be directly impacted by the proposed project. Indirect impacts could occur through the accidental discharge of fill material during construction of the project.</p>						

Mitigation Measure		VERIFICATION OF COMPLIANCE			
Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks	
<p>Mitigation Measure 4.7-1 If construction will occur between March 1 and September 15, a pre-construction survey for nesting raptors, egrets and herons shall be conducted by a qualified biologist to establish the status of these species near the project site within 30 days prior to beginning construction activities. If ground-disturbing activities within the date range are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. If these species are detected nesting within 500-feet of the project site, the California Department of Fish and Game shall be consulted before initiation of any construction activities. Typical measures approved by CDFG to protect active raptor, egret, or heron nests include establishing buffer areas to restrict construction activity near nests, and/or nest monitoring during construction.</p>	<p>Department of Utilities and Contractor</p>				
<p>Mitigation Measure 4.7-2 In order to avoid discharges of sediment or other fill material, the project shall comply with the City of Sacramento Code, Ordinance 15.88.250, Erosion and Sediment Control and further, the Contractor shall employ BMP's before, during and after construction. The project shall also adhere to the Standard Construction Specifications described in Section 4.4 of this document, which include practicable measures to contain and clean up any materials spilled or discharged during the microtunneling operation.</p>	<p>Department of Utilities and Contractor</p>				
<p>BIOLOGICAL RESOURCES (Cont.): The proposed project will install a 54-inch diameter pipeline along University to Howe Avenue. Street trees will be impacted between 945 and 1045 University Avenue. Along this section is a 14 ½ -foot wide median which is landscaped with trees and grass. The trees, southern magnolia (<i>Magnolia grandiflora</i>), are from 10 to 19-inches in diameter measured at 4 ½ foot from the base. The average size of these twenty-two southern magnolias in the medians is 13-inches in diameter. Also along this section of University Avenue are private street trees which are planted behind the back of sidewalk. The trees, Chinese pistache, (<i>Pistacia chinensis</i>), range in size from 10 to 15- inches in diameter. There will be a significant impact to the canopies of the trees, which will have to be raised up 25 to 30-feet. This amount of clearance is required for equipment to excavate and set the pipe. The portion of the southern magnolias' canopies over the street is minimal. Limbs can be tied back or pruned to provide the required clearance. The Chinese pistache trees will require more severe pruning. One tree will require the removal of a 12-inch diameter primary scaffold. This type of pruning will impact the tree's health and aesthetics. Permission must be obtained from the property owner</p>					

<p>prior to pruning any private street tree. The impact to the canopy can be mitigated by a lost value appraisal of the tree. This appraisal can be performed by an International Society of Arboriculture (ISA) certified arborist.</p>				
VERIFICATION OF COMPLIANCE				
Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	Initials	Date
<p>BIOLOGICAL RESOURCES (Cont.): Initially, it appears that no tree removal is required for this project. However, the excavation for the jacking shaft and the trench out to the street may require the removal two trees in the parking lot at 1025 University Avenue. If the project arborist determines removal is required then a mitigation agreement will be worked out with the property owner.</p>				
<p>Mitigation Measure 4.7-3</p> <p>A. The contractor shall provide plastic environmental fencing around the dripline of trees as follows: fencing shall be placed around the median street trees from back of curb to back of curb from dripline on one end of the median to dripline on the other end. The fencing shall stay in place until construction moves out of the median section of University Avenue.</p> <p>B. No excavation for utilities, trenching, grade changes, storage of material, or parking of vehicles shall be allowed within the fenced area.</p> <p>C. The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to make weekly inspections until construction progresses beyond the median to ensure the protective fencing stays in place and to monitor tree health. The arborist will take any required action, i.e., supplemental irrigation, fertilization, or soil compaction remediation to ensure the health of the trees. The contractor will be responsible for any costs incurred.</p> <p>D. If during excavation for the project, tree roots greater than two inches in diameter are encountered work shall stop immediately until a project arborist can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of root pruning.</p> <p>E. Pruning will be allowed by permit, when approved by the city arborist, for crane or other equipment clearance. The contractor may be required to prune the entire tree.</p>				

Mitigation Measure		VERIFICATION OF COMPLIANCE			
Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks
<p>Mitigation Measure 4.7-3 (cont.)</p> <p>F. If as a result of root or canopy pruning the project arborist and the city arborist determine that the tree should be removed then the following mitigation is required: A. The project arborist does a tree value appraisal using the "Guide to Plant Appraisal" ninth edition published by the International Society of Arboriculture. B. Submit a copy to the city arborist and project manager. C. The contractor will reimburse the owner of the loss of the tree.</p> <p>G. The contractor shall be held liable for any damage to existing street trees, i.e., trunk wounds, broken limbs, pouring of any deleterious materials, or washing out concrete under the drip line of the tree. Damages will be assessed using the "Guide to Plant Appraisal" ninth edition published by the International Society of Arboriculture. The project arborist will submit a report for review by the city arborist.</p> <p>H. The trees to be preserved and the protection methods noted above shall be identified on all construction documents for this project.</p>	<p>During construction</p>	<p>Department of Utilities and Contractor</p>			
<p>HAZARDS: During excavation and other construction activities it is anticipated that limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, and hydraulic fluid, would be brought on-site. Temporary bulk above-ground storage tanks as well as storage sheds/trailers would likely be used by various Contractors for fueling and maintenance purposes. As with any liquid and solid, during handling and transfer from one container to another, the potential for an accidental release exists. Depending on the relative hazard of the hazardous material, if a spill were to occur of significant quantity, the accidental release could pose both a hazard to construction employees as well as the environment. Although typical construction management practices limit and often eliminate the impact of such accidental releases, the potential exists with temporary on-site storage of hazardous materials for a significant release to occur. With the Mitigation Measures listed below, the impacts of hazardous materials are anticipated to be less than significant.</p>					

Mitigation Measure		VERIFICATION OF COMPLIANCE			
Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks
<p>Mitigation Measure 4.9-1 There is no evidence that contamination exists along the water transmission route, and the City does not expect to encounter contaminated soil or groundwater during construction activities at the project site. However, if contaminated soil or groundwater is encountered or if suspected contamination is encountered during construction activities, the Contractor shall comply with the "Handling and Removal of Hazardous or Contaminated Material" provisions identified for the proposed project in the Standard Construction Specifications presented above.</p>	<p>During construction</p>	<p>Department of Utilities and Contractor</p>			
<p>Mitigation Measure 4.9-2 The project applicant shall ensure, through the enforcement of contractual obligations, that the Contractor transport, store, and handle construction related hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the U.S. Department of Transportation, CVRWQCB, SCEMD, and the City of Sacramento Fire Department. The Contractor shall also immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. If required by any regulatory agency, contaminated media shall be collected and disposed of at an off-site facility approved to accept such media. In addition, all precautions required by the CVRWQCB issued NPDES construction activity storm water permit will be taken to ensure that no hazardous materials enter nearby storm drains or waterways.</p>	<p>Before and during construction</p>	<p>Department of Utilities and Contractor</p>			

VERIFICATION OF COMPLIANCE				
Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	Initials	Date
<p>Mitigation Measure 4.10-1 In areas less than 500 feet from existing commercial or residential land uses, construction activities will be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday and between 9:00 a.m. and 6:00 p.m. Sundays.</p> <p>Construction at the intersection of University Avenue and Howe Avenue will only be allowed on Saturday between the hours of 7:00 a.m. and 6:00 p.m. and Sunday between the hours of 9:00 a.m. and 6:00p.m.</p> <p>If nighttime work is required, the contractor must demonstrate to the satisfaction of the City's Director of Building Inspections that construction activities after 6:00 p.m. will not otherwise violate the City Noise Ordinance. Additionally, if nighttime work is allowed by the City's Director of Building Inspections, residents within 500 feet of the intersection must be notified in writing about the anticipated construction and the need for the project.</p> <p>Stationary construction equipment (e.g. microtunnel equipment) will be located as far from sensitive noise receptors as possible. Trailers and other quiet stationary objects will be parked to block noise transmission to sensitive receptors, as feasible. Other portable sound barriers could be used to reduce noise impacts. Construction will occur only during the exempted hours.</p> <p>The City shall require Contractors to muffle all equipment used to the maximum extent feasible on the project site and to maintain it in good operating condition. All internal combustion engine-driven equipment shall be fitted with intake and</p>	<p>Before and during construction</p>	<p>Department of Utilities and Contractor</p>		

VERIFICATION OF COMPLIANCE					
Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks
<p>Mitigation Measure 4.9-2 (Cont.) exhaust mufflers in good condition. Stationary engines will be enclosed in sound proof containers to limit operation noise levels to 90 dB as measured 3 feet from the source. This will result in noise levels of 78 dB at approximately 50 feet from the source.</p> <p>The City shall require Contractors to use "quiet" models of any conventionally noisy construction equipment such as air compressors, jackhammers and other impact tools.</p> <p>The City shall require Contractors to turn off powered construction equipment when not in use.</p>					
<p>CULTURAL RESOURCES: Unexpected discoveries of significant resources that can be adversely effected by the proposed project are possible in this region. Impacts to currently unknown sites would be reduced to a less-than-significant level with the incorporation of the following mitigation measure.</p>					
<p>Mitigation Measure 4.14-1 Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the City shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the City and the qualified archaeologist and/or paleontologist would meet to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p>	During construction	Department of Utilities and Contractor			

VERIFICATION OF COMPLIANCE					
Mitigation Measure	Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks
<p>CULTURAL RESOURCES (Cont.): The project site contains recent alluvium of stream channel, stream overflow, and alluvial fan deposits. The alluvium is mostly from granitic rock sources, but some is from volcanic, sedimentary, and metamorphic rock sources. Given the relatively young geomorphic characteristics of this area, the probability of encountering paleontological resources is substantially reduced.</p> <p>This notwithstanding, significant fossil discoveries can be made even in areas designated as having low potential, and may result from the excavation activities related to the proposed project. This impact would be reduced to a less-than-significant level with the incorporation of the following mitigation measure.</p>					
<p>Mitigation Measure 4.14-2 The project proponent shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel and subsequently document the discovery as needed. In the event of an unanticipated discovery of bones, tools, and/or trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.</p>	During construction	Department of Utilities and Contractor			
<p>CULTURAL RESOURCES (Cont.): The presence of human remains has not been recorded in the project vicinity; however, the subsurface excavation required for construction of the proposed project could potentially disturb or destroy human remains from both prehistoric and historic time periods, including those interred outside of formal cemeteries. This is considered a potentially significant impact that would be reduced to a less than significant level by implementation of the following mitigation measure.</p>					

Mitigation Measure		VERIFICATION OF COMPLIANCE		
Reporting Milestone	Reporting/ Responsible Party	Initials	Date	Remarks
<p>Mitigation Measure 4.14-3 In the event of the discovery of human remains, CEQA Guidelines 15064.5 (e)(1) shall be followed, which is as follows: (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: (A) The Coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and (B) If the coroner determines the remains to be Native American: 1. The coroner shall contact the Native American Heritage Commission within 24 hours. 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p>	Department of Utilities and Contractor			