RESOLUTION NO. 2837-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING THE 2009 WATER MASTER PLAN UPDATE, DIRECTING THAT PROGRAM FACILITIES BE PLACED IN THE CAPITAL IMPROVEMENT PROGRAM PROCESS, AND ADOPTING CEQA MITIGATION FINDINGS, ALTERNATIVE FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the Town of Windsor proposes to implement the 2009 Water Master Plan Update ("Program") consisting of four phases of improvements to the existing water supply infrastructure; and

WHEREAS, the Program is located on approximately 12.83 square miles which includes the Town of Windsor and several nearby unincorporated areas of Sonoma County; and

WHEREAS, the Program is an update to the 2000 Water System Master Plan ("2000 WSMP") adopted by the Town Council on March 15, 2000. The 2000 WSMP provided long-term planning for the Town's water supply infrastructure and included recommendations for 13 capital improvement projects, of which 6 were completed. The Town developed the Program to reflect changes in future water supply and distribution needs due to actual growth and build-out patterns, which differ from the assumptions used in the 2000 WSMP. The Program recommends an updated Capital Improvement Program ("CIP") to address existing deficiencies in the water supply and delivery infrastructure and provide for planned future growth pursuant to the Town General Plan. These improvements are to be implemented in four phases over the next 25 or more years. In total, the Program includes 15 pipeline replacement or construction projects, two storage tank projects, four well projects, and several program-related studies; and

WHEREAS, in compliance with the California Environmental Quality Act ("CEQA"), the Town Council certified an EIR for the Program on September 7, 2011 through Resolution [2836-11]; and

WHEREAS, the EIR identified significant impacts, most of which can be reduced to less than significant through mitigation measures; therefore the Program approval includes mitigation findings as set forth in attached Exhibit A; and

WHEREAS, one of the significant impacts in the EIR remains significant even after mitigation; therefore the Program approval includes findings regarding alternatives as set forth in attached Exhibit B, and includes a statement of overriding considerations as set forth in attached Exhibit C; and

WHEREAS, the Program approval includes a mitigation and monitoring and reporting program for significant impacts identified in the EIR as set forth in Chapter 4 of the Final EIR; and

WHEREAS, the Town Council considered a staff report dated September 7, 2011, analyzing the EIR and the Program, and also considered the certified EIR and all oral testimony at a public hearing on September 7, 2011 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the following documents referenced in these recitals are incorporated herein by reference and are available for review at the Town Hall and Public Works Department during normal business hours.

a. 2000 Water System Master Plan
b. Draft 2009 Water Master Plan Update and Addendum
c. Resolution No. 2834-11 (certifying the EIR)
d. 2009 Water Master Plan Update EIR (SCH No. 2010092001, Draft and Final EIR documents)
e. September 7, 2011 staff report

WHEREAS, the location and custodian of the documents and other materials which constitute the record of proceedings upon which the 2009 Water Master Plan Update decision is based is the Town of Windsor Public Works Department, 800 Windsor Road, Building 100, Windsor CA 95492, attn: Craig Scott.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. Recitals. The foregoing recitals are true and correct and made a part of this resolution.

B. Program Approved. The Town Council hereby approves the 2009 Water Master Plan Update Program and directs that the Program be placed in the Town's Capital Improvement Program.

C. CEQA Findings. The Town Council hereby adopts the mitigation findings in attached Exhibit A, the alternative findings in attached Exhibit B, the statement of overriding considerations in attached Exhibit C, and the mitigation monitoring and reporting program, which program is included as Chapter 4 of the Final EIR. .

D. Exhibits. Attached Exhibits A-C are incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 7th day of September 2011, by the following vote:

AYES: **COUNCILMEMBERS GOBLE, SCHOLAR AND VICE MAYOR FUDGE**
NOES: **COUNCILMEMBER SALMON**
ABSTAIN: **NONE**
ABSENT: **MAYOR ALLEN**

Debora Fudge

DEBORA FUDGE, VICE MAYOR

ATTEST:

Maria De La O

MARIA DE LA O, TOWN CLERK

Attachments:
Exhibit A: Mitigation Findings
Exhibit B: Alternative Findings
Exhibit C: Statement of Overriding Considerations
1670555

EXHIBIT A

Mitigation Findings

Pursuant to the California Environmental Quality Act (CEQA) Section 21081 and CEQA Guidelines Section 15091, the following findings address the significant and potentially significant impacts for the Town of Windsor 2009 Water Master Plan Update (the Program) and means for mitigating those impacts.

General Considerations

Reliance on Record. The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Program and its EIR. The findings and determinations constitute the independent findings and determinations of the Town Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Nature of Findings. Any finding made herein by the Town Council shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the Town Council, whether or not any particular sentence or clause includes a statement to that effect. The Town Council intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or permitted to be made by the Town Council with respect to any particular subject matter of the Program, shall be deemed made if it appears in any portion of these findings.

Limitations. The Town Council's analysis and evaluation of the Program is based on the best information currently available. It is inevitable that in evaluating a program of the scope and size of the Program that absolute and perfect knowledge of all possible aspects of the Program will not exist. This practical limitation is acknowledged in CEQA Guidelines Section 15151 which states the "sufficiency of an EIR is to reviewed in light of what is reasonably feasible." One of the major limitations on analysis of the Program is the Town Council's lack of knowledge of future events, particularly those occurring outside the Town. In some instances, the Town Council's analysis has had to rely on assumptions about areas outside of the political boundaries of the Town. In all instances, best efforts have been made to form accurate assumptions.

Summaries of Facts, Impacts, Mitigation Measures, Alternatives, and other Matters. All summaries of information in the findings to follow are based on the EIR, the Program and/or other evidence in the record. Such summaries are not intended to be exhaustive recitations of all the facts in the record upon which they are based. Moreover, the summaries of impacts, mitigation measures and alternatives are only summaries. The document includes only as much detail as may be necessary to show the basis for the findings set forth below.

Cross references to the EIR and other evidence have been made where helpful, and reference should be made directly to the full text of the EIR and other evidence in the record for more precise information regarding the facts on which any summary is based.

Adoption of Mitigation Measures. These findings address the numerous mitigation measures recommended in the EIR for impacts identified as significant or potentially significant. In its actions approving the Program, the Town Council adopts those mitigation measures recommended in the

EIR. Where multiple mitigation measures are adopted for a single impact, all of the identified measures are required to support the related mitigation finding, unless otherwise specified. The Town Council finds that all the Mitigation Measures now incorporated into the Program are desirable and feasible and shall be implemented in accordance with the adopted Mitigation Monitoring and Reporting Program (MMRP, see Chapter 4 of Final EIR).

Significant Unavoidable Adverse Impacts

An adverse and substantial effect on the environment is one that cannot be reduced to a level that is less than significant. There is one Program impact identified in the EIR that, despite mitigation efforts, will remain a significant and unavoidable adverse impact.

Population and Housing

Impact POP-2: Potential to Induce Substantial Population Growth (DEIR pg 3.12-3)

The proposed Program would expand and improve the water supply system and remove an obstacle to future planned development and population growth within the service area. This development would occur in accordance with the Town and County general plans and thus would not result in unplanned or disorderly growth, but would nevertheless be substantial. As such, the proposed Program is considered significantly growth-inducing. Policies contained in the Town and County General Plans would reduce the secondary environmental effects of growth, but they would not eliminate growth. Similarly, future individual development projects would be required to comply with CEQA, which may result in further mitigation for growth and its effects, but that growth would still be enabled by the Program. As such, this growth inducing impact is considered significant.

Mitigation

No feasible mitigation measures were identified to avoid, minimize, or mitigate for the growth inducing impact of the Program. As such this impact would remain significant and unavoidable for implementation of the Program.

Findings and Rationale

Based on the EIR and the entire record before the Town Council, the Town Council finds that the growth inducing impact of the Program is considered significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the adoption of an alternative that does not accommodate growth. None of the Program alternatives identified in the EIR can avoid growth inducing impacts, because a central objective of the Program is to meet both current and future water demands; therefore a statement of overriding considerations must be adopted upon approval of the Program.

Potentially Significant Adverse Impacts Reduced to Less Than Significant Level by Mitigation Measures Incorporated into the Program

The EIR identifies significant impacts that are reduced to a "less than significant" level by the inclusion in the Program approval of the mitigation measures identified in the EIR. Based on the EIR and the entire record before the Town Council, the Council determines that each of the impacts referenced below will be avoided or substantially lessened to a less than significant level by including the related mitigation measures in the Program approval.

AESTHETICS

Impact AES-2: Permanent Alteration to Scenic Resources within a Scenic Highway or Corridor (DEIR pg. 3.1-13)

Once fully constructed, storage tank Project ST-1 would not be readily visible from nearby roads; however it would be located within a Scenic Corridor, as designated by the County General Plan and by the Town's General Plan. Implementation of Mitigation Measure AES-1 would ensure that impacts would be less than significant.

Mitigation

The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

> **Mitigation Measure AES-1: Design Fencing, Storage Tanks, and Groundwater Well Buildings to be Consistent with the Surrounding Setting** (DEIR pg. 3.1-13, -14)
>
> Where wells, tanks, and pump stations are located in proximity to or are easily visible from residential areas or public roadways, the facility and fencing shall be designed to be consistent with the surrounding setting, to the maximum extent feasible. If warranted, facility design shall integrate such elements as color, materials, and pattern, as well as screening with landscape or other features, to minimize the visual effect of the facility. Additionally, the facility may be set back from public view to minimize view obstructions. Colors shall be unobtrusive earth tones, and paint shall be matte or otherwise non-reflective. Any night lighting shall include baffles that direct lighting onto the facility and minimize light spillage onto adjoining properties.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

Mitigation Measure AES-1 would ensure the tank would be sited and designed to blend with the natural landscape and existing vegetation, with additional landscaping included as necessary to screen the tank from the Scenic Corridor. These design consideration measures to minimize visual impacts associated with the proposed facilities will thereby reduce potential impacts to less than significant.

Impact AES-3: Temporary Alteration of Visual Character or Quality during Construction Activities (DEIR pg. 3.1-14)

The construction of Program improvements would be visible to receptors in areas near the construction site. Visible construction operations, including heavy equipment operation, materials stockpiling, and earth exposure during trenching and grading, may be perceived by some as a visual nuisance and a degradation of an area's visual character. Although such activity would be temporary, and the visual disturbance associated with individual project construction would cease after completion of the operations, disturbance has the potential to be significant for individual projects, particularly those within residential areas where viewer sensitivity is high and within a scenic corridor, such as Project WM-11. Mitigation Measure AES-2 would be implemented to reduce this impact to a less-than-significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

> **Mitigation Measure AES-2: Screen Staging and Construction Areas** (DEIR pg. 3.1-14)
>
> For projects with potential for significant visual disturbance, construction contracts shall specify that staging areas shall be located where opportunities for screening with existing topography and vegetation shall be maximized. Security fencing placed around staging and construction areas shall include slats or other screening sufficient to hide the area from the passing public. Screens used for this purpose should be of an earth tone or other appropriate neutral color.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above includes design consideration measures, such as screening through fencing, topography or vegetation to minimize temporary visual impacts associated with the construction of the proposed facilities, thereby reducing potential impacts to less than significant.

Impact AES-4: Permanent Alteration of Visual Character or Quality (DEIR pg. 3.1-14, -15)

The Program includes storage tanks, buildings for groundwater wells, and fencing surrounding storage tanks and wells that would be visible from surrounding areas, including residential and agricultural areas, public roadways, parks, and other public areas. Placement of these features in proximity to residential areas or within scenic corridors identified by city or community plans would have the potential to degrade the surrounding area's visual character and result in a significant impact. Specifically, proposed Project ST-1 of the Phase 1 Project facilities was determined to have a potentially significant impact, which is discussed below.

Proposed Project ST-1: This project would construct a water storage tank or tanks on the hillside within a scenic corridor. The tanks would be constructed within a topographical depression west of an existing access road. The site would be excavated down 20–30 feet for the proper elevation for water conveyance. Considering that the tank would be approximately 26 feet tall and that the Town would have to excavate down approximately the same distance, only the top 5–10 feet of the tank would be visible and a graded area behind (to the east) of the tanks would be revegetated. Some trees would be removed during excavation for the site. However, there is a large stand of trees west of the tank site that would not be removed during construction. These trees would almost entirely screen views from Faught Road to the tanks. There are limited locations along Faught Road where the tank would be visible to motorists and bicyclists. There would not be a significant alteration to the ridgeline and the loss of trees would not be noticeable in comparison to the numerous other trees in the area, which would not be affected by the project. The tanks would likely only be noticeable to someone intimately familiar with the site and would not visually appear significantly different from the nearby hillside homes, which are also screened by topography and vegetation. Implementation of design considerations stated in Mitigation Measure AES-1 would reduce this impact to a less-than-significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure AES-1: (as described above)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measure includes siting and design to blend with the natural landscape and existing vegetation, with additional landscaping included as necessary to screen the tank from the area, including limited views from Faught Road. These measures would minimize visual impacts associated with the proposed facilities, thereby reducing potential impacts to less than significant.

Impact AES-5: Substantial Alteration to Day or Nighttime Views due to Additional Light or Glare (DEIR pg. 3.1-15, -16)

Lighting may be necessary near storage tanks and groundwater wells for maintenance and security purposes. Many of the proposed projects would be located in areas that would potentially affect sensitive nighttime viewers or nocturnal wildlife, particularly for projects proposed for construction along the Town's eastern service area where the sites are significantly surrounded by open space (Projects ST-1, ST-1 Alternative, and W-2).

Implementation of Mitigation Measure AES-1 would ensure that the effects of new lighting installed as part of the proposed projects would be less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure AES-1: (as described above)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measure ensures that the facilities will be sited and designed to reduce potential visibility of maintenance and security lights from residential and open space areas, including the requirement that lighting be directed onto the facility. These design consideration measures will minimize light and glare impacts associated with the proposed facilities, thereby reducing potential impacts to less than significant.

AIR QUALITY

Impact AIR-1: Temporary Increase in PM10 and PM2.5 Emissions during Construction Activities (DEIR pg. 3.3-11)

The Bay Area Air Quality Management District (BAAQMD) does not have a quantitative significance threshold for PM10 or PM2.5 fugitive dust. BAAQMD considers all construction related PM10 and PM2.5 dust as significant and recommends basic construction mitigation measures (Mitigation Measure AQ-1) for all projects.

Mitigation

The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure AQ-1: Dust Management (based on Bay Area Air Quality Management District's basic dust control measures for all sites) (DEIR pg. 3.2-11, -12)

1. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) twice per day.
2. Cover all trucks hauling soil, sand, and other loose material offsite.
3. Sweep as necessary (with wet power vacuum street sweepers) all visible mud or dirt tracked-out onto adjacent public roads. The use of dry power sweeping is prohibited.
4. Limit vehicle speeds on unpaved roads to a maximum of 15 mph.
5. Pave all roadways, driveways, and sidewalks as soon as possible. Building pads shall be installed as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

The mitigation measure includes controls that reduce the amount of particulates generated during construction through controls on equipment and the site, and reduce the potential for particulates to be carried off site. These measures minimize temporary air quality impacts associated with the construction of the proposed facilities, thereby reducing potential impacts to less than significant.

BIOLOGICAL RESOURCES

Impact BIO-1: Construction Impacts on Special-Status Plant Species (DEIR pg. 3.4-58, -59)

The Program could affect special-status plants directly within non-native annual grassland, freshwater emergent wetland, oak woodland, and riparian habitats within the Program Area. If Program activities occur in these habitat areas, impacts could include removing individuals or indirectly modifying habitat. The most specific habitat modification that would affect special-status plants in the study area would be the modification of hydrology-supporting wetlands. Impacts on special-status plants would be considered a significant impact.

Construction activities proposed during Phase 1 of the Program (ST-1, ST-1 Alternative, WM-1, WM-2, WM-3, WM-4, and WM-11) would occur in or in the immediate vicinity of natural habitats in the Program Area that have potential to support special-status plant species. If Phase 1 activities occur in these natural habitat areas, impacts could include removing individual special-status plants or indirectly modifying habitat. Impacts on special-status plants would be considered a significant impact.

Implementation of the following Mitigation Measures BIO-1 through BIO-3 would reduce these impacts to a less than significant level.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

> **Mitigation Measure BIO-1: Perform Focused Surveys for Special-Status Plant Species** (DEIR pg. 3.4-59, -63; FEIR pg 2-9)
>
> Prior to implementation of Program activities, including those proposed under Phase 1, at a site with appropriate habitats to support special-status plant species, a qualified botanist shall perform floristic surveys for special-status plant species. The federally listed plant species occurring on the Santa Rosa Plain are Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, seaside tarplant, dwarf downingia, and many-flowered navarretia. For federally listed plants, surveys shall be conducted according to the USFWS plant survey protocol included in the Appendix of the Programmatic Biological Opinion for federally listed plants on the Santa Rosa Plain (USFWS 2007). Floristic surveys for all other special-status plants shall occur during the appropriate blooming period(s) for all special-status plant species with the potential to occur in the study area and at the specific site, as determined by the botanist. Table 3.4-4 lists the plant species for which surveys shall be conducted, time periods to survey for them, and in what habitats they could potentially occur. If special-status plant species are determined to be present, the Town or its contractors shall implement Mitigation Measures BIO-2 and/or BIO-3, as applicable.

Table 3.4-4. Survey Requirements for Special-Status Plant Species

Plant	Habitat Requirements	Flowering Period
Alopecurus aequalis var. *sonomensis* Sonoma alopecurus	Freshwater marshes, swamps and riparian scrub.	May-July
Arctostaphylos Bakeri ssp. *bakeri* Baker's manzanita	Broadleafed upland forest and chaparral often on serpentine.	February-April

Table 3.4-4. Survey Requirements for Special-Status Plant Species

Plant	Habitat Requirements	Flowering Period
Astragalus claranus Clara Hunt's milk-vetch	Occurs on serpentinitic, volcanic, rocky, or clayey sites in openings of chaparral, cismontane woodland, and valley and foothill grassland.	March-May
Carex albida Sonoma white sedge	Occurs in bogs and fens and freshwater marshes and seeps.	May-July
Castilleja uliginosa Pitkin Marsh Indian paintbrush	Occurs in freshwater marshes and swamps.	June-July
Clarkia imbricata Vine Hill clarkia	Occurs on acidic sandy loam soils in chaparral and valley and foothill grassland.	June-August
Delphinium bakeri Baker's larkspur	Occurs often on mesic sites and decomposed shale in broadleafed upland forest, coastal scrub, and valley and foothill grassland.	March-May
Downingia pusilla Dwarf downingia	Occurs in vernal pools in annual grassland habitat.	March-May
Hemizonia congesta Seaside tarplant	Occurs in annual grassland habitat.	April-November
Lasthenia burkei Burke's goldfields	Occurs in mesic meadows and seeps and vernal pools.	April-June
Lilium pardalinum ssp. *pitkinense* Pitkin Marsh lily	Occurs on mesic and sandy sites in cismontane woodland, meadows and seeps, and freshwater marshes and swamps.	June-July
Navarretia leucocephala plieantha Many-flowered navarettia	Occurs in vernal pools in annual grassland habitat.	May-June
Pleuropogon hooverianus Hoover's [North Coast] semaphore grass	Occurs in open and mesic areas in broadleafed upland forest, meadows and seeps, and North Coast coniferous forest.	April-August
Trifolium amoenum two-fork clover [showy rancheria clover]	Occurs in coastal bluff scrub and valley and foothill grassland that can be serpentinitic.	April-June
Amorpha californica var. *napensis* Napa false indigo	Occurs in openings in broadleaved upland forest, chaparral, and cismontane woodland.	April-July
Anomobryum julaceum slender silver moss	Occurs on damp rock and soil on outcrops, usually on roadcuts in broadleafed upland forest, lower montane coniferous forest, and North Coast coniferous forest.	Moss
Arctostaphylos stanfordiana ssp. *decumbens* Rincon Ridge manzanita	Rhyolitic chaparral and cismontane woodland.	February-April
Balsamorhiza macrolepis var. *macrolepis* big-scale balsamroot	Chaparral, cismontane woodland, valley and foothill grassland, sometimes on serpentinite.	March-June

Table 3.4-4. Survey Requirements for Special-Status Plant Species

Plant	Habitat Requirements	Flowering Period
Brodiaea californica var. *leptandra* narrow-anthered California brodiaea	Broadleaved upland forest, chaparral, lower montane coniferous forest.	May-July
Calamagrostis crassiglumis Thurber's reed grass	Mesic coastal scrub and freshwater marshes and swamps.	May-July
Calystegia collina ssp. Oxyphylla Mt. Saint Helena morning-glory	Chaparral, lower montane coniferous forest, valley and foothill grassland (serpentinite).	April-June
Campanula californica swamp harebell	Bogs and fens, mesic closed-cone coniferous forest, mesic coastal prairie, meadows and seeps, freshwater marshes and swamps.	June-October
Carex comosa bristly sedge	Coastal prairie, lake margins of marshes and swamps and valley and foothill grassland.	May-September
Ceanothus confusus Rincon Ridge ceanothus	Closed-cone coniferous forest, chaparral, cismontane woodland on volcanic or serpentinitic substrates.	February-April
Ceanothus purpureus holly-leaved ceanothus	Occurs in chaparral and cismontane woodland on volcanic and rocky substrates.	February-June
Centromadia parryi ssp. Parryi pappose tarplant	Chaparral, coastal prairies, meadows, seeps, marshes and swamps, valley and foothill grassland (vernally mesic, often alkaline sites).	May-November
Erigeron biolettii streamside daisy	Broadleafed upland forest, cismontane woodland, North Coast coniferous forest /rocky, mesic.	June-October
Fritillaria liliacea fragrant fritillary	Cismontane woodland, Coastal prairie, coastal scrub, valley and foothill grassland near the coast, on clay or serpentinite.	February-April
Hemizonia congesta ssp. congesta Pale yellow hayfield tarplant [seaside tarplant]	Valley and foothill grassland/sometimes roadsides.	April-November
Horkelia tenuiloba thin-lobed horkelia	Occurs in broadleaved upland forest and chaparral on mesic openings and sandy substrates.	May-July
Lasthenia californica ssp. *bakeri* Baker's goldfields	Occurs in closed-cone coniferous forest, coastal scrub, meadows and seeps, and marshes and swamps.	April-October
Leptosiphon jepsonii Jepson's leptosiphon	Occurs in chaparral and cismontane woodland usually on volcanic substrates.	March-May
Lessingia arachnoidea Crystal springs lessingia	Occurs in cismontane woodland, coastal scrub and valley and foothill grassland on serpentine substrates.	July-October
Lessingia hololeuca Woolly-headed lessingia	Broadleafed upland forest, coastal scrub, lower montane coniferous forest, valley and foothill grassland /clay, serpentinite.	June-October

Table 3.4-4. Survey Requirements for Special-Status Plant Species

Plant	Habitat Requirements	Flowering Period
Mertensia bella Oregon lungwort	Occurs in meadows and seeps and prefers vernally mesic upper montane coniferous forest.	May-July
Micropus amphibolus Mt. Diablo cottonweed	Broad-leafed upland forest, chaparral, cismontane woodland, and valley and foothill grassland/rocky.	March-May
Microseris paludosa marsh microseris	Closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland.	April-June
Monardella villosa ssp. *globosa* robust monardella	Occurs in openings of chaparral, cismontane woodland and coastal scrub.	June-July
Navarretia leucocephala ssp. *bakeri* Baker's navarretia	Occurs in cismontane woodland, lower montane coniferous forest, meadows and seeps, and valley and foothill grassland on mesic sites.	May-July
Rhynchospora alba white beaked-rush	Bogs and fens, meadows and seeps and freshwater marshes and swamps.	July-August
Rhynchospora californica California beaked-rush	Bogs and fens, lower montane coniferous forest, meadows and seeps, and freshwater marshes and seeps.	May-July
Rhynchospora capitellata brownish beaked-rush	Occurs on mesic sites in lower montane coniferous forest, meadows and seeps, marshes and swamps, and upper montane coniferous forest.	July-August
Rhynchospora globularis var. *globularis* round-headed beaked-rush	Freshwater marshes and swamps.	July-August
Trifolium hydrophilum saline clover	Marshes and swamps, and valley and foothill grassland, and vernal pools. Occurs on mesic and alkaline sites.	April-June
Viburnum ellipticum *oval-leaved viburnum*	Chaparral, cismontane woodland and lower montane coniferous forest.	May-June

Mitigation Measure BIO-2: Avoid and Minimize Impacts on Special-Status Plant Species (DEIR pg. 3.4-64)

If special-status plant species are present at a particular program or Phase 1 location, the Town or its contractors shall redesign or modify the facility to avoid direct and indirect impacts on special-status plant species, if feasible. In addition, avoidance, minimization, and mitigation measures for the Santa Rosa Plain related to Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, and many-flowered navarretia shall be implemented according to the USFWS Programmatic Biological Opinion (2007). Further, any special-status plant species occurrences near a Program or Phase 1 site shall be protected by environmentally sensitive area fencing (orange construction barrier fencing) installed

around special-status plant species populations. The environmentally sensitive area fencing shall be installed at least 200 feet from the edge of the population where feasible, and where not feasible, the buffer shall be large enough to adequately protect populations from program activities. Where special-status plant populations are located in wetlands, silt fencing also shall be installed. The location of the fencing shall be marked in the field with stakes and flagging, and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area.

Mitigation Measure BIO-3: Transplantation, Off-site Mitigation for Impacts on Special-Status Plant Species (DEIR pg. 3.4-64, -65)

If avoidance of special-status plant species is not feasible, the Town shall consult with either the CDFG or USFWS, or both, depending upon which has jurisdiction, to determine whether transplantation of special-status plant species is feasible. If the agencies concur that it is a feasible mitigation measure, the botanist shall develop and implement a Rare Plant Relocation, Management, and Protection Plan (Rare Plant Plan) in coordination with the appropriate agencies. The Rare Plant Plan shall include the following components: relocation methods that shall minimize the potential loss of plants from relocation, management plans and success criteria by which the mitigation can be measured for success, and regular monitoring to ensure that the plants are successfully transplanted. Success criteria shall require that at least 75% of the plants survive. The Rare Plant Plan shall include specific, measurable triggers for adaptive management actions that shall be necessary to ensure survival.

The Rare Plant Plan shall specify annual monitoring of the mitigation site for at least five years after planting, and shall assess factors such as population size and density, recruitment, and individual plant health and vigor. Monitoring shall also assess whether the mitigation requires adaptive management actions, such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of exotic invasive vegetation (such as yellow star thistle) to ensure successful plant establishment and survival. The site shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria identified in the Rare Plant Plan. If success criteria are not met at that time, then mitigation activities and monitoring shall continue until success criteria are met.

As part of the Rare Plant Plan, the program proponent, in conjunction with a qualified restoration ecologist and/or botanist and the consulting agency, if any, shall identify a suitable on- or off-site location for mitigation, and appropriate methods for seed collection, propagation, relocation, maintenance, and monitoring. Mitigation sites shall be located within the range of the affected plant and contain suitable habitat sites. For annual plant species, the seed crop from the individuals to be lost shall be collected and then sown on appropriate habitat located on the mitigation site. The individuals shall not be removed until seeds have been collected. For perennial plant species, both the seed and the plants themselves shall be salvaged and relocated to the mitigation site. The individuals shall not be removed until seeds have been collected. Seed from the populations that shall be affected may be collected and propagated at a native plant nursery prior to planting in order to increase the potential for establishment and survival.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above require a pre-construction survey for special-status plant species. In the event that special-status plant species are identified as present on site, avoidance measures including project redesign and installation of protective fencing will be implemented to avoid impacts. If avoidance is not feasible, the Town shall consult with and implement appropriate transplantation mitigations on or off site in coordination with the resources agencies. This sequence of avoidance, buffer, and transplantation measures will reduce potential impacts to a less than significant level.

Impact BIO-2: Construction Disturbance of Nesting Great Blue Herons, White-Tailed Kites, Burrowing Owls and Other Migratory Birds, Including Raptors (DEIR pg. 3.4-65; FEIR pg. 2-22)

Potential nesting habitat for special-status birds, including great blue herons, white-tailed kites, migratory birds, and raptors currently exists within the Program Area. Many other migratory birds, including raptors, are known, or are expected, to nest in the Program Area and nearby vicinity, and could nest in areas planned for Program activities (i.e., installation of new supply wells, new storage tanks, and installation of new and replacement water pipelines). Raptors (e.g., kites, hawks, and owls) and other migratory birds and their nests are protected under both California Fish and Game Code Section 3503 (active bird nests) and the Migratory Bird Treaty Act (MBTA). Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise could lead to nest abandonment. Loss of raptor and other migratory birds' eggs or nests, or any activities resulting in nest abandonment, would constitute a significant impact.

Potential nesting and foraging habitat for burrowing owls currently exists within the following proposed Phase 1 project sites: WM-1 and WM-11, and the two proposed tank sites ST-1 and ST-1 Alternative. This species could nest in these areas during construction of the proposed projects. This species has not been documented within the Program Area, but has been documented in the general vicinity of the Program Area in the CNDDB (CDFG 2010). If burrowing owls are present within a project construction zone, or adjacent to such an area, construction during the breeding season could result in the incidental loss of eggs or nestlings, or otherwise lead to nest abandonment. The loss, directly or indirectly through nest abandonment or reproductive suppression, of occupied burrowing owl habitat (habitat known to have been occupied by owls during the nesting season within the past 3 years) or reductions in the number of this rare species would constitute a significant impact. Furthermore, burrowing owls and their nests are protected under both federal and state laws and regulations, including the MBTA and DFG Section 3503.5.

Implementation of Mitigation Measures BIO-4 and BIO-5 would reduce impacts to a less than significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

> **Mitigation Measure BIO-4: Conduct Pre-construction Surveys for Nesting Birds** (DEIR pg. 3.4-65; FEIR pg. 2-22, -23)

For projects proposed under Phase 1, 2, 3, and 4 of the Program that would be located in areas with habitat for nesting birds within 500 feet of project activities, construction shall be avoided during the nesting season (generally between February 1 and August 31), if practical. Where possible, trees would be removed outside the nesting season. If construction activities cannot be timed to avoid the nesting season, a pre-construction survey shall be conducted by a qualified biologist to determine whether there are active nests within or adjacent to the work area. The survey should be conducted no more than 10 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities can commence without any further mitigation. If nests are found, Mitigation Measure BIO-5 shall be implemented.

For construction areas containing suitable burrowing owl habitat, and in conformance with federal and state regulations regarding the protection of raptors and the protocols established by the California Burrowing Owl Consortium (1993), a preconstruction survey for burrowing owls shall be completed within a 250-foot buffer around the construction site, in conformance with CDFG guidelines. Surveys should be conducted during the non-breeding season (September 1 through January 31), but as close as possible to the date that ground disturbing activities will begin. Initial surveys should be conducted no more than 30 days prior to ground-disturbing activities. The time lapse between surveys and site disturbance should not exceed seven (7) days. If no burrowing owls are located during these surveys, no additional action would be warranted. However, if breeding or resident owls are located on or immediately adjacent to the site, the following measures shall be implemented.

- No burrowing owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.
- A 250-foot buffer, within which no new activity would be permissible, would be maintained between project activities and nesting burrowing owls. This protected area would remain in effect until August 31 or at the CDFG's discretion (based upon monitoring evidence), until the young owls are foraging independently.
- A 160-foot buffer, within which no new activity would be permissible, would be maintained between project activities and burrowing owl burrows during the non-breeding season.
- If accidental take (disturbance, injury, or death of owls) occurs, the DFG would be notified immediately.

Mitigation Measure BIO-5: Avoid, Minimize and Compensate for Impacts on Nesting Raptors and Other Migratory Birds, including Burrowing Owls (DEIR pg. 3.4-65, -67; FEIR pg. 2-22)

If active nests are found within 500 feet of the project area, a qualified biologist shall be on site as necessary to monitor the nests for signs of nest disturbance. If it is determined that construction activities are resulting in nest disturbance, work shall cease immediately and CDFG and USFWS shall be contacted. Before construction can continue, buffer zones surrounding the active nesting site shall be developed through consultation with CDFG and USFWS. The buffers shall remain in place until biologists determine that the young have successfully fledged or nests have been otherwise abandoned.

If a preconstruction survey finds that burrowing owls occupy the project site, and it is not feasible to avoid construction of aboveground facilities in occupied areas, then habitat compensation on off-site mitigation lands shall be implemented by either purchasing credits from a mitigation or conservation bank approved by CDFG or providing for permanent protection and management of habitat management lands.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above require that nesting habitat be avoided during nesting season. If nesting season cannot be avoided, the measures require a pre-construction survey for nesting bird species, including burrowing owls. In the event that nesting birds are identified as present on site, avoidance measures including construction buffers and biological monitoring during the construction period will be implemented. In the event that burrowing owls are identified as present or potentially present, the Town shall implement avoidance measures including construction scheduling and establishment of buffer zones. If avoidance of burrowing owl nesting sites is not feasible, off-site compensation mitigation shall be implemented through purchase of credits from a mitigation or conservation bank, or through provision of permanent protection and maintenance of habitat management lands. These avoidance and compensation measures will reduce potential impacts to a less than significant level.

Impact BIO-3: Impacts on Wildlife Corridors and Native Wildlife Nurseries (DEIR pg. 3.4-66; FEIR pg. 2-18)

Migratory wildlife corridors and native wildlife nursery sites occur in the Program Area. Program activities (i.e., installation of new supply wells, new storage tanks, and installation of new and replacement water pipelines) could affect wildlife migration by impeding or otherwise disrupting migratory corridors, and could affect native wildlife nursery sites through the disturbance or destruction of nesting sites or nesting habitat. Implementation of Mitigation Measure BIO-24 and Mitigation Measures BIO-4 through BIO-15, BIO-17 through BIO-21, HAZ-1, HYD-1 and HYD-2 would reduce impacts to a less than significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measures BIO-4 through BIO-15 and BIO-17 through -21
(See Impact BIO-2 above; and Impacts BIO-4 through -9, and BIO-11, -13, -14, below)

Mitigation Measure HAZ-1: (see Impact HAZ-1 below)

Mitigation Measures HYD-1 and HYD-2: (see Impact HYD-1 below)

Mitigation Measure BIO-24: Protection of Special-Status Species during Installation of Pipelines (FEIR pg. 2-19, -20)

- For installation of pipeline projects which would cross creek channels, the Town shall evaluate the feasibility of suspending the pipe beneath the existing bridge to avoid impacts on aquatic and riparian habitats utilized by special-status species,

such as salmonids and California freshwater shrimp. If this installation method is infeasible, the Town shall consult with CDFG, USFWS, and NMFS to ensure the pipe would prevent alterations to shallow subsurface creek flow and provide adequate clearance for natural geomorphic changes in the streambed, such as scour and channel migration. The Town shall conduct a hydrologic scour analysis to determine the appropriate depth for pipe installation that would avoid or minimize potential impacts on aquatic and riparian habitat. Based on the study, the pipe shall be installed an additional two (2) feet below the area of hydraulic influence. The Town shall also implement avoidance and mitigation measures issued by state and federal regulatory agencies as part of project permitting.

- Construction activities for pipelines that require crossing of creek channels shall only occur during the dry season (May 15 – October 15) and during daylight hours.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measures provide a comprehensive array of actions to avoid disturbance to special status species and nesting birds, and their habitats that provide wildlife migratory corridors and nursery sites. Implementation of the measures identified to protect special status species during construction (Mitigation Measures BIO-4 through BIO-15 and BIO-17 through BIO-21 and BIO-24) will avoid and minimize adverse effects to sensitive wildlife habitats. In order to protect wildlife habitat in or near streams, the identified mitigations are designed to reduce high concentrations of suspended sediments and turbidity that negatively affect water quality for special status fish. The mitigations would protect water quality through the preparation and implementation of an appropriate contingency and management plan for drilling fluids (Mitigation Measure HYD-2, as described below), the development and implementation of a spill prevention and control program (Mitigation Measure HAZ-1, as described below), and compliance with NPDES Construction General Permit (Mitigation Measure HYD-1, as described below) to minimize or avoid the potential for accidental spills of toxic chemicals to impact species and habitat. As part of the required permitting process, details of these plans will be developed in consultation with the appropriate resources agencies and approved prior to construction.. In addition, the mitigations address protection of special status species for pipeline projects proposed through creek channels through project design to avoid alterations to creekflow and scheduling construction during the dry season and daylight hours. These measures will reduce potential impacts to a less than significant level.

Impact BIO-4: Construction Impacts on California Tiger Salamander (DEIR pg. 3.4-67)

Construction of Program facilities within suitable aestivation habitat for California tiger salamander (CTS) could result in the direct loss of these habitats. If this species is present, construction could result in the loss of individuals, which would constitute a significant impact.

Implementation of Mitigation Measures BIO-6 and BIO-7 would reduce this impact to a less than significant level during construction activities.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-6: Avoid Habitat for California Tiger Salamander
(DEIR pg. 3.4-67; FEIR pg 2-22)

During project design, the Town would consult the updated Enclosure 1 from the Programmatic Biological Opinion to obtain current information on known CTS breeding sites. Areas in the "No Effect" area or greater than 1.3 miles from a known breeding site would not have the potential to adversely affect CTS or habitat and no further mitigation would be required.

For Program projects identified within the Santa Rosa Plan Conservation Strategy Study Area and outside the "No Effect" area, or within 1.3 miles of known CTS aquatic breeding sites, and where construction would take place in terrestrial natural habitats, the Town shall either assume presence or retain a qualified biologist to conduct surveys to determine whether potential habitat for California tiger salamander would be directly or indirectly affected by construction activities. Surveys shall follow the USFWS protocol developed for the SRPCS:

http://www.fws.gov/sacramento/es/santa_rosa_conservation_strategy.htm

For areas where presence is assumed, terrestrial natural habitats would be considered to be potential upland dispersal habitat and suitable aquatic habitat would be considered as breeding habitat. Standing bodies of fresh water that typically support inundation during winter and early spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall would be considered suitable breeding habitat.

If burrows or other suitable aestivation habitat are present within 1.3 miles from where construction activities are proposed, construction shall be scheduled to avoid the CTS migration and breeding season (October 15 – June 30). If work must be completed during the migration season, barrier fencing shall be installed to exclude CTS from construction areas. For any construction sites within 1.3 miles of a breeding site, fencing with one-way ramps shall be installed to exclude CTS from entering the project site and to allow the CTS that are on-site to move into adjacent habitat. The size of the exclusion area shall be determined in consultation with the CDFG and USFWS. During the non-breeding (aestivation) season of this species (July – October 14), potential aestivation sites shall be avoided in the construction area. Grading and clearing activities at the project site shall be conducted between April 15 and October 14. For projects that assume presence of CTS, or where surveys determine that CTS are present, Mitigation Measure BIO-7 shall be implemented.

Mitigation Measure BIO-7: Compensation for Impacts to California Tiger Salamander
(DEIR pg. 3.4-68)

If California tiger salamander presence is determined or assumed, consultation with the USFWS and CDFG shall be required. The general mitigation guidelines associated with the Programmatic BO for California tiger salamander in the Santa Rosa Plain summarized in Section 3.4.2 of the DEIR (p. 3.4-33), shall be implemented under the direction of USFWS and CDFG. This mitigation may involve options to implement the SRPCS, including support of conservation areas, establishment of preserves, translocation, habitat improvement, preserve management, and adaptive management.

Final compensation requirements and mitigation ratios for impacts associated with the Proposed Program shall be determined through consultation with the USFWS and CDFG.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above require a pre-construction survey to determine whether California tiger salamander are present on a project site or assume presence of California tiger salamander for project facilities within 1.3 miles of known CTS aquatic breeding sites. If present, or assumed present, project scheduling outside of migration and breeding seasons and installation of protective fencing will be implemented to avoid impacts. If avoidance is not feasible, implementation of the general mitigation guidelines in the referenced Programmatic BO will ensure that mitigation options for potential impacts to CTS will be consistent with the SRPCS. These avoidance, buffer, and compensation measures will reduce potential impacts to a less than significant level.

Impact BIO-5: Construction Impacts on Western Pond Turtles (DEIR pg. 3.4-68)

Program-related construction activities conducted within or adjacent to freshwater emergent wetland, streams, ponds, and riparian areas located in the Program Area could result in mortality of western pond turtles, or destruction of their habitat. Loss of individuals within the Program Area could diminish the local population and reduce reproductive potential, which could contribute to the further decline of this species. The loss of upland nesting sites or eggs also would decrease the local population. Implementation of Mitigation Measure BIO-8 would reduce impacts to a less than significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-8: Conduct Pre-Construction Surveys for and Minimize Impacts on Western Pond Turtles (DEIR pg. 3.4-68, -69)

Pre-construction surveys for western pond turtles in suitable aquatic and upland habitat shall be conducted by a qualified biologist 14 days before and 24 hours before the start of construction activities where suitable habitat exists (i.e., along the banks of streams, ponds, vernal pools, riparian areas, and freshwater emergent wetlands). Additionally, the following minimization measures shall be implemented within suitable aquatic and upland habitat:

- The Program proponent shall minimize grading and construction activities along the banks of streams, ponds, vernal pools, riparian areas, and freshwater emergent wetland between October 15 and April 15 of the year in order to reduce potential mortality to hibernating turtles.
- If a turtle becomes trapped during construction activities within the Program Area, the turtle shall be removed from the work area (with authorization from CDFG) and placed a safe distance away.
- The construction area shall be clearly defined, using orange barrier fencing, in order to minimize disturbance to western pond turtle habitat.

- If nesting areas for western pond turtles are identified in the study Program Area during preconstruction surveys, a buffer of 300 feet shall be established between the nesting site and the construction area. Buffers shall be indicated by temporary fencing if construction begins before the nesting period ends (egg laying to emergence of hatchlings normally extends from April to November).

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above requires a pre-construction survey of suitable habitat to determine if Western Pond Turtles are present and avoidance measures including scheduling limits for construction, installation of protective fencing, and buffers around nesting areas to avoid disturbance to the species or its habitat. If the species is discovered in the construction zone, transportingthe species to a safe location with approval from appropriate resources agencies will prevent harm from construction activities. These avoidance, barrier, buffer and relocation measures will reduce potential impacts to a less than significant level.

Impact BIO-6: Disturbance to Potential Aquatic Habitat and Loss of Individual Foothill Yellow-legged Frogs (DEIR pg. 3.4-69)

Phases 2-4 of the Program would not involve the construction of facilities that would take place within potential habitat for the foothill yellow-legged frog. Although CNDDB records for this species indicate that foothill yellow-legged frog has not been documented in the Phase 1 Project Area, suitable habitat exists within or adjacent to streams located in mountainous areas. Construction of Phase 1 facilities in such locations (specifically ST-1 Alternative, WM-1, WM-2, WM-3, WM-4, and WM-11) could result in mortality of individual Foothill yellow-legged frogs, or destruction of their habitat. Deposited eggs and tadpoles could be lost during in-channel work that requires excavation of sediment (e.g., creek crossings for projects WM-1 and WM-11), and adults and juveniles could be lost during in-stream work activities. Loss of individuals within the Program Area could diminish the local population and reduce reproductive potential, which could contribute to the further decline of this species. However, with implementation of Mitigation Measure BIO-9, impacts on foothill yellow-legged frog would be reduced to a less than significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-9: Conduct Pre-Construction Surveys for and Minimize Impacts on Foothill Yellow-Legged Frog (DEIR pg. 3.4-70)

For Phase 1 activities occurring in habitat types where foothill yellow-legged frog has been identified as potentially occurring (specifically ST-1 Alternative, WM-1, WM-2, WM-3, WM-4, and WM-11), a qualified biologist shall conduct pre-construction surveys to assess habitat and the presence of individual frogs. A qualified biologist shall inspect construction areas within appropriate habitat areas daily before the start of work. If appropriate, the Program proponent shall install exclusionary fencing. In the event that foothill yellow-legged frogs are encountered during project activities, a qualified biologist shall move the frog to a safe location outside of the work area. Actions taken to move foothill yellow-legged frog shall be consistent with applicable CDFG regulations and permits. If dewatering a creek segment is required for construction of WM-1 or WM-11, a qualified biologist shall conduct visual and

dipnet surveys and move captured frogs and tadpoles to a safe location in the creek. CDFG shall be notified within 48 hours of any foothill yellow-legged frog observations.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above requires pre-construction surveys of suitable habitat and avoidance measures if foothill yellow-legged frogs are determined to be present. Avoidance measures including the installation of exclusionary fencing will be implemented to keep the frogs out of the construction area. If the species is discovered in the construction zone, transporting the species to a safe location consistent with DFG regulations will ensure that the frogs are not harmed. These measures will reduce potential impacts to a less than significant level.

Impact BIO-7: Disturbance to Potential Aquatic and Upland Habitat of the California Red-Legged Frog, and Loss of Individual California Red-Legged Frogs (DEIR pg. 3.4-70)

CNDDB records for this species indicate that they have not been documented in the Program Area; however, suitable habitat exists within or adjacent to freshwater emergent wetland, streams, ponds, and riparian areas located in the Program Area and vicinity. Construction of Program facilities in such locations could result in mortality of individual California red-legged frogs (CRLF) and/or destruction of their habitat. Loss of individual frogs within the Program Area could diminish the local population and reduce reproductive potential, which could contribute to the further decline of this species. If ground disturbance within potential upland habitat occurs during the dry season, when California red-legged frogs are typically underground, there is the potential for individuals to be crushed in burrows or excavated out of burrows. During any time of year, excavation of ground squirrel or pocket gopher burrows could adversely affect upland habitat for this species. The loss of upland aestivation sites would also decrease the local population. During early winter rains there is the potential for road mortality of migrating California red-legged frogs. However, Program activities are unlikely to affect migrating California red-legged frogs because movements occur almost exclusively at night during rainfall and Program activities would only occur during daylight hours. Though effects on migrating California red-legged frogs would be minimal, there would be a potential for adverse affects on upland habitat or on individual frogs. Therefore, this is considered a significant impact.

Implementation of Mitigation Measures BIO-10 through BIO-12 would reduce this impact to a less than significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-10: Avoid Habitat for California Red-Legged Frog
(DEIR pg. 3.4-70, -71)

For Phase 1 projects ST-1, ST-1 Alternative, WM-1, WM-2, WM-3, WM-4, and WM-11 and future Phase projects potentially located within CRLF habitat, the Town shall retain a qualified biologist to conduct surveys to determine whether potential habitat for California red-legged frog shall be directly or indirectly affected by construction activities. If potential habitat is found, the Town shall avoid the habitat by establishing a buffer zone. The size of

the buffer zone should be determined in consultation with the CDFG and USFWS, but shall be 250 feet at a minimum. Where avoidance is not feasible, Mitigation Measures BIO-11 and BIO-12 shall be implemented.

Mitigation Measure BIO-11: Conduct Protocol-Level Surveys for California Red-Legged Frog (DEIR pg. 3.4-71)

If it is not possible to avoid California red-legged frog habitat, a qualified biologist with authorization from the USFWS and CDFG shall complete protocol-level surveys to determine whether California red-legged frogs are present in the identified suitable habitat. If presence is determined, Mitigation Measure BIO-12 shall be implemented. Alternately, the Town may choose to assume that relevant habitat is occupied by California red-legged frog and implement Mitigation Measure BIO-12 without conducting protocol-level surveys.

Mitigation Measure BIO-12: Monitor Construction Activities within California Red-Legged Frog Habitat. Compensate for Impacts on California red-legged frog (DEIR pg. 3.4-71)

If California red-legged frog presence is determined or assumed in a construction work area, consultation with the USFWS and CDFG shall be required. The Town shall compensate for impacts to this species and its habitat by preserving additional habitat for this species using CDFG and USFWS-approved compensation ratios, as determined in consultation with the CDFG and USFWS during consultations, at a minimum ratio of 2:1 for impacted habitat areas. Preservation credits must be acquired from a CDFG and USFWS-approved mitigation bank or conservation area. This mitigation may involve:

- Purchasing preservation or creation credits at an existing mitigation bank approved by the CDFG or USFWS, or
- Paying sufficient funds into a CDFG and/or USFWS-approved species fund to support habitat preservation and restoration for these species.

Final compensation requirements and mitigation ratios for the Program shall be determined through consultation with the USFWS and CDFG. The exact cost to purchase preservation credits for Program-related impacts shall be determined at the time of purchase. Mitigation credits shall be purchased, or a conservation area and management plan shall be established, prior to any ground-disturbing activities, including grading, in the program area.

In addition, if California red-legged frogs are present or assumed present, a qualified biological monitor, or a biologist with an Incidental Take Permit, shall inspect construction areas daily before the start of work and shall be present during construction activities in sensitive habitats. If appropriate, the Town or its contractors shall install exclusionary fencing. In the event that a California red-legged frog is encountered within a construction area, CDFG and the USFWS shall be contacted within 48 hours of any California red-legged frog observations, and a qualified biologist shall move the frog to a safe location outside of the project area. Actions taken to move California red-legged frogs shall be consistent with applicable USFWS and CDFG regulations and permits. The biological monitor shall have the authority to stop work if a CRLF is encountered until such a time as the frog may be moved to an area outside of the project area fencing. If dewatering of a creek is required, dipnet and seine surveys for CRLF tadpoles shall be completed prior to initiation of dewatering. Captured tadpoles shall be moved to a safe location elsewhere in the creek.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above ensure protection of individual frogs as well as their habitat through pre-construction surveys, construction buffers, exclusionary fencing and monitoring during construction activities. The mitigation measures also provide for off-site mitigation to compensate for impacts on frogs or their habitat. These avoidance and compensation measures will reduce potential impacts to a less than significant level.

Impact BIO-8: Construction Impacts on Invertebrates, including Giuliani's Dubiraphian Riffle Beetle, California Linderiella, and California Freshwater Shrimp (DEIR pg. 3.4-71, -72; FEIR pg 2-11 through 2-14)

Giuliani's Dubiraphian Riffle Beetle

Phases 2–4 of the Program would not involve the construction of any facilities that would take place within potential habitat for the Giuliani's dubiraphian riffle beetle. However, several Phase 1 facilities (ST-1 Alternative, WM-1, and WM-11) are proposed in areas with potentially suitable habitat for the Giuliani's dubiraphian riffle beetle. Direct impacts to this species could occur through crushing of individual or small populations of this species during ground disturbing activities within stream channels and adjacent vegetative communities during construction activities. Indirectly, this species could be impacted by alteration of its preferred habitat by construction activities and by siltation in stream channels due to construction activities immediately adjacent to or in close proximity to stream courses.

The implementation of Mitigation Measures BIO-13 and BIO-14 would reduce impacts to this species to a less than significant level.

California Linderiella

The California linderiella has been documented within the Program Area by the CNDDB (CDFG 2010). There are known occurrences documented within construction areas proposed for Phase I project W-1 and potentially near Project WM-10 proposed for Phase 2. Seasonal wetlands and vernal pools within the Program Area, including within the Airport Service Area, may provide habitat for this species. Construction of proposed facilities during the proposed Program could result in mortality of this invertebrate species, or destruction of their required habitat. Because this species and their habitat have declined substantially throughout their range, this impact would be considered significant.

Implementation of Mitigation Measures BIO-13, and BIO 18 through BIO-20 would reduce the impact to the species to a less-than-significant level.

California Freshwater Shrimp

California freshwater shrimp (CFWS) are not known by the CNDDB to occur within the Program Area however, a habitat assessment of Pruitt Creek at the crossing of Faught Road determined that appropriate winter and summer habitat for CFWS are present, and the creek has the potential to support CFWS. Construction of Program facilities (specifically Phase 1 Project WM-11) could result in ground disturbance that could potentially cause soil erosion, subsequently resulting in sediment

transport and delivery to streams that support CFWS. In addition, accidental spills of toxic chemicals could occur while operating or storing construction equipment. The deposition of excessive fine sediment in stream channels could reduce or eliminate potential habitat and aquatic vegetation. Although it is unlikely, refueling, operating, and storing construction equipment could result in accidental spills of toxic chemicals, such as concrete, sealants, petroleum products (fuel, oil, hydraulic fluid, boring fluids), and paint, into waterways. Pollutants (i.e., sediment and toxic chemicals) entering waterways could impact CFWS populations and their habitat.

However, Mitigation Measures BIO-24, HAZ-1, HYD-1, and HYD-2 would reduce potential impacts to this species to a less than significant level.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to special status invertebrate species to a less than significant level.

Mitigation Measures BIO-24: (as described for Impact BIO-3 above)

Mitigation Measure HAZ-1: (see Impact HAZ-1 below)

Mitigation Measures HYD-1 and HYD-2: (see Impact HYD-1 below)

Mitigation Measure BIO-13: Avoid Habitat for the Giuliani's Dubiraphian Riffle Beetle and California Linderiella (DEIR pg. 3.4-72; FEIR pg. 2-14)

For construction of Phase 1 facilities ST-1 Alternative, WM-1, and WM-11, the Town shall retain a qualified biologist to conduct surveys to determine whether potential habitat for the Giuliani's dubiraphian riffle beetle shall be directly or indirectly affected by construction activities during Program activities. If potential habitat is found, the Town shall avoid the habitat by establishing a buffer zone or by redesigning the work activity to take place outside of potential habitat. The sizes of the buffer zone shall be determined in consultation with the CDFG, but shall be 50 feet at a minimum. Where avoidance is not feasible, Mitigation Measures BIO-14 shall be implemented.

Prior to implementation of proposed Program activities in areas that could contain habitat for California linderiella, the Town shall retain a qualified biologist to conduct surveys to determine whether vernal pools or seasonal wetlands will be directly or indirectly affected by construction activities. If potential habitat for this species is found, the Town shall avoid any habitats that may support this species by establishing a buffer zone for each resource. The size of buffer zone shall be determined in consultation with the CDFG. Additionally, Mitigation Measures BIO-18 through 20, which require avoidance of wetland habitats would ensure avoidance of impacts on California linderiella.

Mitigation Measure BIO-14: Conduct Pre-Construction Surveys for and Minimize Impacts on the Giuliani's Dubiraphian Riffle Beetle (DEIR pg. 3.4-72)

Pre-construction surveys for this species in suitable aquatic habitat shall be conducted by a qualified biologist immediately prior to the start of construction activities. If beetles are located within the construction area, the beetles shall be relocated out of this area.

Mitigation Measures BIO-18 through BIO-20: (see Impact BIO-13 below)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above require pre-construction surveys to determine if species are present and avoidance measures for Giuliani's dubiraphian riffle beetle and California linderiella, including construction buffer zones around potential affected habitat. If avoidance is not feasible for Giuliani's dubiraphian riffle beetle, the Town shall conduct additional surveys immediately prior to construction and transport any discovered specimens to a safe location. These measures ensure that there will be a protective distance between construction activities and these special status species, either through the required buffers or by moving the beetles out of the construction zone.

For pipeline projects proposed through creek channels, the Town shall protect CFWS through measures to maintain water quality during construction. These measures require project design to avoid alterations to creekflows and scheduling construction during the dry season and daylight hours. In addition, the identified mitigation measure requires the preparation and implementation of an appropriate contingency and management plan for drilling fluids (Mitigation Measure HYD-2, as described below), the development and implementation of a spill prevention and control program (Mitigation Measure HAZ-1, as described below), and compliance with NPDES Construction General Permit (Mitigation Measure HYD-1, as described below) to minimize or avoid the potential for accidental spills of toxic chemicals into the creek. As part of the required permitting process, details of these plans will be submitted to the appropriate resources agencies and approved prior to construction.

These measures will reduce potential impacts to a less than significant level.

Impact BIO-9: Spread of Invasive Non-Native Plant Species by Construction Activities (DEIR pg. 3.4-72, -73)
The Program, including activities associated with Phase 1, could lead to the spread of non-native invasive plant species. Non-native invasive plant species could be introduced to the Program Area on construction equipment brought to specific construction sites to complete project activities from areas outside of the Program Area. Existing populations of invasive plant species within the Program Area could also be spread outside of their current geographic locations if construction equipment were used in these areas and then used in other non-infested areas. The spread of invasive weed species into natural habitats where they did not exist previously could result in impacts to native common and special-status plant species, and could directly affect the long-term survival of special-status animal species that depend on native plant species in these areas. For these reasons, this is considered a significant impact.

Implementation of Mitigation Measures BIO-15 would reduce impacts to a less than significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-15: Implement Invasive Plant Management Practices to Avoid the Spread of Non-Native Invasive Plant Species to Uninfected Areas (DEIR pg. 3.4-73)

The Town and/or its contractors shall implement the following measures to avoid the spread of invasive plant species:

- Construction equipment shall be cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading invasive weeds prior to mobilizing equipment to a construction site and before leaving a construction site.
- Prior to the initiation of ground-disturbing activities in natural habitats, a qualified biologist shall conduct a pre-construction survey to identify areas of infestation by invasive non-native plant species.
- If an invasive plant population is identified, but is outside of the area of ground disturbance, the area shall be clearly marked by exclusion fencing and signage to prevent the entry of construction vehicles.
- If the invasive plant species population is identified within the area of proposed ground disturbance, the invasive plant population shall be removed and disposed of at an appropriate facility.
- In areas where the ground surface is disturbed, these areas shall be re-vegetated as soon as project activities are completed. These areas shall be re-vegetated with a native seed mix appropriate for the natural community being disturbed. CDFG and USFWS shall be consulted to determine the appropriate native seed mix.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

The mitigation measure identified above provides mechanisms to avoid the spread of invasive plant species during the construction period. Avoidance measures including equipment cleaning, pre-construction surveys for the presence of invasive species in or near construction zones, establishment of buffer zones, and revegetation will be implemented to avoid impacts. If invasive species are discovered in the construction zone, the Town shall remove and dispose of the population at an appropriate facility to minimize re-colonization. These avoidance and removal measures will reduce potential impacts to a less than significant level.

Impact BIO-10: Construction Impacts on Roosting and Breeding Special-Status Bat Species (DEIR pg. 3.4-73, -74)

Construction-related Program activities have the potential to impact and remove trees that could provide roosting and breeding habitat for bat species. Program activities also have the potential to indirectly affect roosting and breeding habits of bat species through the generation of noise and vibration from construction related activities. This noise and vibration have the potential to cause bat species to temporarily or permanently abandon roosting and breeding sites. The disturbance of or loss of breeding and roosting sites would be considered a significant impact.

At the Phase 1 level, construction-related activities completed during implementation of either the ST-1 or the ST-1 Alternative would impact and remove oak trees that could provide roosting and breeding habitat for bat species. Construction activities also have the potential to indirectly affect

roosting and breeding habits of bat species through the generation of noise and vibration. These impacts are considered potentially significant.

Implementation of Mitigation Measure BIO-16 would reduce these impacts to a less than significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

> **Mitigation Measure BIO-16: Conduct Pre-Construction Surveys for Bat Species and Avoid Impacts to Roosting/Breeding Sites** (DEIR pg. 3.4-74)
>
> Concurrent with breeding bird surveys, a qualified biologist shall conduct pre-construction surveys for special-status bats within suitable open structures and large trees (e.g., > 24 inch DBH) in proximity to Program facilities. If special status bat species are identified, the biologist shall evaluate whether breeding adults or juveniles are present. If present, a suitably sized buffer (e.g., 100 to 150 feet) shall be placed around the roost if it appears that grading, tree removal or other project activities may cause abandonment.
>
> If building demolition activities or tree removal are required during a construction project that may cause nest abandonment, demolition and tree removal activities may not commence until juvenile bats are self-sufficient and would not be directly impacted by project activities. If special-status bats are found, and the roost would be destroyed during development, an artificial roost shall be provided for the bats. The roost shall be constructed and placed on-site prior to removal of the original roost. The Town or its contractors shall prepare a mitigation plan specifying the construction details and siting of the structure. The plan shall be approved by the Town and CDFG prior to removal of the existing roost. The Town shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. The site on which the artificial roost is located shall be placed in a conservation or other similarly protective easement. A report documenting the implementation of the plan shall be prepared within one (1) month of completion of the artificial roost. The plan shall be completed and implemented prior to the destruction of the roosting/breeding site.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above requires pre-construction surveys to determine if bat species are present. In the event that special-status bats are identified as present onsite, avoidance and minimization measures including establishment of a buffer zone would be implemented. If building demolition or tree removal may cause nest abandonment, the construction activities shall be delayed until juvenile bats are self-sufficient, and an artificial roost shall be provided in a protected location and maintained and monitored for 5 years. These measures ensure that bat roosts will be protected against construction disturbance and/or will be replaced if removed, and will reduce potential impacts to a less than significant level.

Impact BIO-11: Construction Impacts on American Badgers (DEIR pg. 3.4-75)

Program-related construction (including Phase 1 activities) within or adjacent to annual grassland and oak forest habitats located in the Program Area and vicinity could result in mortality of individual or small populations of American badgers, or the destruction of their dens. Construction-related activities also have the potential to cause indirect impacts to the species. The noise and vibration generated by construction activities could cause the temporary or permanent abandonment of breeding dens. Direct and indirect impacts to this species within the Program Area could diminish the local population and reduce reproductive potential, which could contribute to the further decline of this species. For these reasons, this is considered a significant impact.

Implementation of Mitigation Measure BIO-17 would reduce this impact to a less than significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

> **Mitigation Measure BIO-17: Conduct Pre-Construction Surveys for American Badgers and Avoid Impacts to American Badgers** (DEIR pg. 3.4-75; FEIR pg. 2-21)
>
> Prior to implementing a construction project within potential habitat for this species (ST-1, ST-1 Alternative, ST-2, and WM-11), a qualified biologist shall conduct a pre-construction survey of the project disturbance zone and areas immediately adjacent to the disturbance zone to determine if potentially active or known active den sites are present. If potential dens are found during pre-construction surveys and cannot be avoided, a qualified biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction. If the qualified biologist determines that potential dens may be active and cannot be avoided, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance activities. The den entrances shall be blocked to an incrementally greater degree over the three to five-day period. After the qualified biologist determines that badgers have stopped using active dens, the dens shall be hand-excavated with a shovel to prevent re-use during construction. All den exclusion activities shall take place between September 1 and January 1.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above requires pre-construction surveys to determine the presence of badgers or their dens. In the event that potential dens are identified as present on site and cannot be avoided, den exclusion measures preventing badgers from reusing dens would be implemented. These avoidance and exclusion measures will reduce potential impacts to a less than significant level and ensure that local populations of badger are not diminished.

Impact BIO-12: Construction Impacts on Special-Status Fish Species (Central California Coast Coho salmon, Central California Coast steelhead, and Central California Coastal Chinook salmon) (DEIR pg. 3.4-75, -76; FEIR pg 2-15 through 2-19)

Construction of Program facilities could result in ground disturbance that could potentially cause soil erosion, subsequently resulting in sediment transport and delivery to streams that support

special-status fish species. In addition, accidental spills of toxic chemicals could occur while operating or storing construction equipment. Implementation of Mitigation Measure BIO-24 (described above), HYD-1, HYD-2 (described in Impact HYD- 1 below) and HAZ-1 (described in Impact HAZ-1 below) would reduce these potential impacts to a less-than-significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-24: (as described in Impact BIO-3 above)

Mitigation Measure HAZ-1: (see Impact HAZ-1 below)

Mitigation Measures HYD-1 and HYD-2: (see Impact HYD-1 below)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
In order to protect wildlife habitat in or near streams, the identified mitigations are designed to reduce high concentrations of suspended sediments and turbidity that negatively affect water quality for special status fish. The mitigations would protect water quality through the preparation and implementation of an appropriate contingency and management plan for drilling fluids (Mitigation Measure HYD-2, as described below), the development and implementation of a spill prevention and control program (Mitigation Measure HAZ-1, as described below), and compliance with NPDES Construction General Permit (Mitigation Measure HYD-1, as described below) to minimize or avoid the potential for accidental spills of toxic chemicals into the creek. As part of the required permitting process, details of these plans will be developed in consultation with the appropriate resources agencies and approved prior to construction. In addition, the mitigations address protection of special status species for pipeline projects proposed through creek channels through project design to avoid alterations to creekflow and scheduling construction during the dry season and daylight hours. These measures will reduce potential impacts to a less than significant level.

Impact BIO-13: Construction Impacts on Waters of the United States and Waters of the State (DEIR pg. 3.4-76, -77)

Installation of Program facilities has the potential to occur within seasonal wetlands, which are classified as Waters of the United States and the State under Sections 401 and 404 of the Clean Water Act (CWA). Impacts could be temporary or permanent in nature. In particular, installation of water tanks under the ST-1 Alternative and water main projects WM-1 and WM-11 would result in impacts to ephemeral stream channels. Installation of project ST-1 may impact seasonal wetlands. Impacts could be temporary or permanent in nature.

Implementation of Mitigation Measures BIO-18 through -20 would reduce this impact to a less than significant level.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-18: Prior to Implementing Project Activities, Conduct Delineations of Wetlands and Waters of the United States and the State (DEIR pg. 3.4-77)

Prior to implementing project activities within areas where potential wetlands or waters of the United States or State are present, a USACE verified wetland delineation and jurisdictional determination of the area shall be completed before any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages.

Mitigation Measure BIO-19: Avoid Work Activities within Wetlands and Waters of the United States and the State (DEIR pg. 3.4-77)

To the extent feasible, the Program proponent shall avoid and minimize effects to wetlands and other waters by re-designing the activity.

Mitigation Measure BIO-20: Obtain Regulatory Permits for Work Activities Taking Place in Wetlands and Waters of the United States and the State (DEIR pg. 3.4-77)

If the USACE determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the USACE. All applicable permits from the CDFG and RWQCB shall also be obtained before construction in areas under the jurisdiction of these agencies.

In areas where project activities are temporary in nature, wetland and other waters of the United States and State shall be restored to their condition prior to disturbance. In areas where permanent disturbance to these habitats will occur, the Town shall first identify if potential mitigation sites are present within close proximity to the area of disturbance, and shall construct new or restore degraded wetlands. Where these habitat types cannot be restored on-site or in the immediate vicinity of the disturbance location, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be equivalent to the nature of the habitat lost, and shall be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat shall be set-aside in perpetuity for habitat use. Mitigation ratios shall be determined in consultation with the USACE, RWQCB, and CDFG.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above ensure no net loss of wetlands resources. A wetland delineation will establish if wetlands are present and their extent; impacts of the wetlands will be avoided through project redesign. If avoidance is not feasible, the mitigations ensure that any lost wetlands resources are replaced on or off site and protected in perpetuity. These avoidance and mitigation measures will reduce potential impacts to a less than significant level.

Impact BIO-14: Construction Impacts to Native Trees Protected by Chapter 27.36 (Tree Preservation and Protection) of the Town of Windsor Zoning Ordinance (Municipal Code, Title XVII) (DEIR pg. 3.4-78)

The construction of Program facilities could result in impacts to native trees protected by Chapter 27.36 (Tree Preservation and Protection) of the Town of Windsor Zoning Ordinance (Municipal Code, Title XVII). Protected native trees include the following trees that are six inches or greater in diameter at breast height (DBH): coast live oak, blue oak, Oregon oak, black oak, valley oak, oracle oak, chase oak, and California buckeye. California bay that are 12 inches DBH are also protected. Impacts would involve the trimming or complete removal of these trees. Impacts to native trees would be considered a significant impact. With the implementation Mitigation Measures BIO-21 through BIO-23, this impact would be reduced to a less than significant level.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-21: Prior to Implementing Project Activities, Conduct an Inventory of Trees within the Disturbance Zone of a Program or Phase 1 Project (DEIR pg. 3.4-78)

Prior to constructing specific facilities within areas where protected native tree species may be present, the Town shall retain a certified arborist to conduct an arborist study of the proposed disturbance zone. The arborist shall document all trees within the project disturbance zone, and shall identify the health of each tree

Mitigation Measure BIO-22: Avoid Native Trees to the Extent Practicable (DEIR pg. 3.4-78)

To the extent feasible, the Town shall avoid and minimize impacts to native trees where feasible by re-designing the activity.

Mitigation Measure BIO-23: Obtain Clearance to Remove Native Tree and Provide Replacement Plantings (DEIR pg. 3.4-78, -79)

The Town or its contractors shall obtain clearance from the Town before removing any tree classified as a native tree. The Town shall comply with the requirements of the Town's Tree Preservation and Protection Ordinance for any tree removals under Phase 1 or Program activities. Any trees that fit the criteria of the ordinance shall be replaced at a ratio determined by the Town. Planted trees shall be maintained with browse protection and weed cloth around the root zones as needed, and regularly watered during the dry season until such time that a certified arborist has determined that they are sufficiently established to not require further maintenance or watering.

Grading and landscape plans shall be developed in accordance with an approved Tree Protection and Preservation Plan that is prepared by a certified arborist according to the guidelines in the Town's Tree Technical Manual. This Plan shall include: the location of all trees on the site or that overhang the site that are greater than 6 inches DBH; tree protection zones; appraisal values for each protected tree, (i.e., the monetary value of the tree as determined by the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers); and mitigation measures to compensate for the loss of each tree.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above require pre-construction tree inventories to identify the health, location, and species of trees within potential disturbance zones. Avoidance measures including project redesign to avoid native trees would be implemented. If avoidance is not feasible, the Town shall plant, maintain and water replacement trees as required by the tree protection ordinance. These mitigation measures will reduce potential impacts to a less than significant level by ensuring that lost trees are successfully replaced.

CULTURAL RESOURCES

Impact CUL-1: Impacts on Previously Identified Archeological Resources (DEIR pg 3.5-13)

Improvements proposed under the Program include construction of new wells, water storage tanks, distribution pipelines and associated infrastructure. These activities have potential to disturb native soils, and therefore have the potential to affect known archeological resources.

While 18 archaeological sites have been identified within the Program Area, most sites are outside areas proposed for improvements and would not be affected by Phases 2, 3 or 4 of the Program. Three archaeological sites are in Phase 1 locations where specific projects could directly affect the sites. These sites are located along Faught Road and are described below. At the programmatic scale, there would be a less-than-significant impact on previously identified cultural resources outside of Phase 1.

All locations of proposed Phase 1 projects have been subjected to cultural resources survey. No archaeological sites are known to be present in the proposed locations of Phase 1 Projects with the exception of WM-11 (which would be implemented with construction of Project ST-1 Alternative). The proposed WM-11 route would pass through or adjacent to three archaeological sites: one prehistoric Native American Site and two historic-era deposits.

Based on the anticipated location of the pipeline, and assuming cut-and-cover construction methods, a 20' construction area and the need for staging and maintenance areas described for WM-11, construction could adversely affect the three recorded archeological sites. Implementation of Mitigation Measure CUL-1 would be required to ensure potential impacts on known cultural resources along Faught Road would be less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

> **Mitigation Measure CUL-1: Protection of Cultural Resources along Faught Road** (DEIR pg 3.5-13, -15)
>
> The Town shall design *Project WM-11* to avoid known cultural resources to the extent feasible.
>
> If during pipeline design, the route is aligned to avoid the identified archaeological sites, a cultural resources study of the new proposed alignment shall be conducted by a professional archaeologist to confirm the new alignment would not affect the known archeological resources.

If the archaeological sites cannot be avoided, further investigation of the sites shall be conducted by a professional archaeologist to identify the scientifically consequential information from and about the site and to recover the data that would be destroyed or damaged by project construction. The specific measures for each of the three sites are as follows:

- If *Project WM-11* cannot avoid P-49-0823, the Town shall retain the services of a qualified archaeological consultant to prepare a treatment plan for submittal to the Town. Following federal and state guidelines and professional standards, the treatment plan (or data-recovery plan) shall provide detailed research design and methodology for test excavations and archival research to identify and evaluate the resources. The treatment plan shall provide for at least the activities listed below. If the resource is determined not to be significant, no further work would be needed.
    - *Conduct test excavations and archival research.* When avoidance is infeasible, the treatment plan shall outline how evaluations of potentially significant archaeological resources shall be conducted, including archival research and test excavation, and evaluation methods necessary to determine scientifically consequential information from and about the site.
    - *Data recovery excavations of significant archaeological resources that cannot be avoided.* The treatment plan shall provide for research and fieldwork to recover and analyze the data contained in that site. This work may involve additional archival and historical research, excavation, presentation of the results in a technical report, curation of the recovered artifacts and accompanying data, and analysis of the artifacts, features, and other data discovered. Native American consultation shall be included in and shall continue throughout data recovery efforts.
- If *Project WM-11* cannot avoid P-49-1395 and CA-SON-1498H, the Town shall retain the services of a qualified archaeological consultant who shall perform minor hand excavations at the sites to describe the archaeological resources present, and shall assess the amount of disturbance. The archaeologist shall then assess whether the discovery retains sufficient integrity, is an archaeological resource, and is of potential scientific/historic/cultural significance, according to NRHP and CRHR guidelines. The consulting archaeologist shall, at a minimum, provide the Town with a written and digital photographic documentation of all observed materials. If the sites do not meet the NRHP or CRHR criteria of significance, the project can proceed.

If the archaeologist determines that the resources are significant, avoidance of additional impacts is preferred. However, if avoidance is not possible, the consulting archaeologist shall prepare and submit a treatment plan to the Town. Following federal and state guidelines and professional standards, the treatment plan (or data-recovery plan) shall provide detailed research design and methodology for test excavations and archival research to identify and evaluate the resources. The treatment plan shall provide for at least the activities listed below.

- *Conduct test excavations and archival research to determine resource significance.* When avoidance is infeasible, the treatment plan shall outline how evaluations of potentially significant archaeological resources shall be conducted, including archival research and test excavation, and evaluation methods necessary to determine eligibility for listing in the CRHP.

- *Data recovery excavations of significant archaeological resources that cannot be avoided.* If, following identification and evaluation efforts, archaeological sites and historic resources are determined to meet the criteria for inclusion in the CRHR, and avoidance or redesign of the project is not feasible, then research and fieldwork to recover and analyze the data contained in that site shall be conducted. This work may involve additional archival and historical research, excavation, presentation of the results in a technical report, curation of the recovered artifacts and accompanying data, and analysis of the artifacts, features, and other data discovered. Native American consultation shall continue throughout data-recovery efforts.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified measure provides for systematic avoidance of cultural resources. If avoidance is not feasible, assessment and recordation of cultural resources ensures that their significant scientific, historic and cultural values are documented. Implementation of this measure would reduce potential impacts to cultural resources to a less than significant level.

Impact CUL-2: Impacts on Previously Unknown Cultural Resources (DEIR pg 3.5-15)

Construction of the proposed CIPs, involves ground-disturbing activities. Only approximately 30% of the Program Area has been surveyed for cultural resources, and there is a moderate to high degree of cultural sensitivity in the Program Area. Thus, there is potential to encounter and significantly affect previously unidentified cultural resources in the Program Area. Implementation of Mitigation Measures CUL-2a and CUL-2b would ensure that projects implemented under the Program would result in less-than-significant impacts on archaeological resources that meet CEQA's definition of historic or unique archaeological resources.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure CUL-2a: Implement Plan to Address Discovery of Unanticipated Buried Cultural Resources (DEIR pg 3.5-15, -16)

If buried cultural resources (such as chipped stone or groundstone, historic debris, or building foundations) are inadvertently discovered during ground-disturbing activities, work shall stop in that area and within a 100-foot radius of the find, and a "no work" zone shall be established that uses appropriate flagging to delineate the boundary of this zone.

The Town shall retain the services of a qualified archaeological consultant who shall visit the discovery site as soon as practicable. The archaeological consultant shall perform minor hand excavation to describe the archaeological resources present, and shall assess the amount of disturbance. The archaeologist shall then assess whether the discovery retains sufficient integrity, is an archaeological resource, and is of potential scientific/historic/ cultural significance, according to NRHP and CRHR guidelines.

The consulting archaeologist shall, at a minimum, provide the Town with a written and digital photographic documentation of all observed materials. Based on the assessment, the

Town shall identify the CEQA and NHPA Section 106 cultural-resources compliance procedures to be implemented.

If the find appears not to meet the NRHP or CRHR criteria of significance, work can continue while being monitored by the consulting archaeologist.

If the archaeologist determines that the resources are significant, avoidance of additional impacts is preferred. However, if avoidance is not possible, the consulting archaeologist shall prepare and submit a treatment plan to the Town. Following federal and state guidelines and professional standards, the treatment plan (or data-recovery plan) shall provide detailed research design and methodology for test excavations and archival research to identify and evaluate the resources. The treatment plan shall provide for at least the activities listed below.

- *Conduct test excavations and archival research to determine resource significance.* When avoidance is infeasible, the treatment plan shall outline how evaluations of potentially significant archaeological resources shall be conducted, including archival research and test excavation, and evaluation methods necessary to determine eligibility for listing in the CRHP.
- *Data recovery excavations of significant archaeological resources that cannot be avoided.* If, following identification and evaluation efforts, archaeological sites and historic resources are determined to meet the criteria for inclusion in the CRHR, and avoidance or redesign of the project is not feasible, then research and fieldwork to recover and analyze the data contained in that site shall be conducted. This work may involve additional archival and historical research, excavation, presentation of the results in a technical report, curation of the recovered artifacts and accompanying data, and analysis of the artifacts, features, and other data discovered. Native American consultation shall continue throughout data-recovery efforts on prehistoric resources.

Mitigation Measure CUL-2b: Conduct Archival Research and Field Studies As Needed to Identify Previously Unknown Cultural Resources (DEIR pg 3.5-16)

Prior to implementation of additional Phases 2 through 4 of the WMP Update, for any facilities that have not been previously evaluated for cultural resources, the Town shall retain a qualified archaeologist to complete archival research, and if appropriate, a field study of areas proposed for development. These studies shall ensure that previously unidentified cultural resources shall be addressed prior to construction of WMP elements, and shall provide the Town with information current as of the time Program elements are proposed.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

The identified measures would establish a no-work zone if previously unknown cultural resources are discovered during ground disturbance. The measures would also provide for systematic avoidance, assessment, and recordation of cultural resources. Preparation and implementation of a plan to address the discovery of unanticipated buried cultural resources before later phases of the Program would provide for suspension of construction activities and promote proper assessment

and treatment of resource discovery. As such, these measures would ensure that cultural resources are not inadvertently destroyed during construction activities and would reduce potential impacts to cultural resources to a less than significant level.

Impact CUL-3: Impacts on Previously Undiscovered Human Remains (DEIR pg 3.5-16)

The proposed Program does not propose earthwork in proximity to any known cemeteries or Native American burial grounds. However, the Program Area is in an area of moderate to high cultural sensitivity and projects implemented as part of the Program have the potential to disturb previously undiscovered human remains.

Projects implemented under the Program would be required to adhere to California Health and Safety Code 7050.5, which requires the cessation of further excavation and disturbance in the event of a human remains discovery, and coordination with the County coroner and (if applicable) the NAHC regarding further action.

Adherence to the California Health and Safety Code and Mitigation Measures CUL-2a and 2b, and CUL-3 will ensure that project impacts on human remains will be less than significant.

Mitigation

The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measures CUL-2a and 2b: see above.

Mitigation Measure CUL-3: Implement Plan to Address Discovery of Human Remains (DEIR pg 3.5-16, -17)

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the PRC. The County coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

If the coroner determines that the remains are not subject to his or her authority, and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. The Commission shall immediately notify the person or persons they identify as the MLD, who shall provide recommendations for the treatment of the human remains within 24 hours of notification by the Commission.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Implementation of the identified mitigation measures would provide for the suspension of work activities and proper assessment and treatment of human remains discovered during construction. Implementation of these measures would ensure that human remains are not inadvertently destroyed during construction and would reduce potential impacts to undiscovered human remains to a less than significant level.

GEOLOGY, SOILS, AND SEISMICITY

Impact GEO-1: Substantial Adverse Effects Resulting from Fault Rupture, Strong Seismic Ground Shaking, or Earthquake-Induced Liquefaction (DEIR pg 3.6-6, -7)

Constructed WMP facilities could be subject to seismic-related damage if improperly designed or installed. However, implementation of Mitigation Measure GEO-1 would ensure that the project design addresses site-specific geologic conditions such that damage resulting from seismic hazards is avoided or minimized. Adherence to applicable California Building Code (CBC), Town, and County building requirements would further reduce the potential for structural damage to newly constructed water infrastructure facilities and corollary indirect impacts associated with seismic hazards. These are considered standard operating procedures protective of public health and property. Implementation of Mitigation Measure GEO-1 would ensure that this impact is less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure GEO-1: Conduct Project-Specific Geotechnical Investigation during Project Design (DEIR pg 3.6-7)

During project design, project-specific geotechnical investigations and reports shall be prepared by registered engineers to detect site conditions that could result in liquefaction, construction on expansive soils, unstable slopes, or other potential hazards, and to identify appropriate design requirements that would prevent damage to structures. Site-specific geological data and recommendations by a registered engineer shall be incorporated into project design, thereby reducing any impacts due to fault-rupture, ground shaking, and liquefaction. Measures to minimize geotechnical hazards could include densification or dewatering of surface or subsurface soils, design of pile or pier foundations, or removal of liquefaction-prone material.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above would avoid or minimize the potential for damage from seismic hazards by implementing site specific studies and design considerations into each project design. The measure and compliance with applicable building requirements will ensure that Program facilities will be properly designed and installed thus avoiding the potential for seismic related damage. This measure will reduce potential impacts to less than significant.

Impact GEO-2: Substantial Adverse Effects Resulting from Unstable Geologic Units
(DEIR pg 3.6-7)

Proposed WMP facilities could be subject to damage related to landsliding or shrink-swell behavior if improperly designed or installed. Expansion and contraction of soils caused by seasonal moisture changes in areas with high expansion potential could damage the water infrastructure facilities, unless they are properly designed and built to withstand such effects. Water facilities constructed on unstable slopes with potential for landsliding could result in failure and subsequent erosion due to release of water contained within the facility.

However, potential dangers associated with expansive and unstable soils would be mitigated by implementation of Mitigation Measure GEO-1. Additionally, all facilities would be required to adhere to CBC requirements and relevant Town and County standards. Therefore, with implementation of Mitigation Measure GEO-1, potential impacts related to unstable geologic units would be less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

> **Mitigation Measure GEO-1: Conduct Project-Specific Geotechnical Investigation during Project Design:** see above.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measure would avoid or minimize the potential for damage from unstable geologic units by ensuring that the project appropriately identifies unstable soils and slopes and the project incorporates design considerations to withstand these effects. The measure and compliance with applicable building requirements will ensure that Program facilities will be properly designed and installed thus avoiding the potential for damage to facilities from soils or slope failure. As such, this measure will reduce potential impacts to less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Creation of a Hazard to the Public or Environment through the Routine Transport, Use, or Disposal of Hazardous Materials (DEIR pg. 3.8-8)

In general, the operation and inspection of the potable water conveyance system, including the electrically-powered groundwater wells, would not require the use of hazardous materials. However, operation of the well treatment systems would require the use of chemicals, which may be hazardous, to treat groundwater before distribution to consumers. It is anticipated that ferric chloride and sodium hypochlorite would be the chemicals used in the well treatment systems. However, the specific chemicals, the quantity required, and frequency of chemical storage tank refills would be dependent on completion of the groundwater quality investigations described in the EIR. The routine transport, use, or disposal of the well treatment chemicals, if hazardous, may pose a hazard to the public if accidentally spilled or leaked.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure HAZ-1: Spill Prevention Response Plan (DEIR pg. 3.8-9)

If, following the completion of the Program's groundwater quality investigations, it is determined that hazardous materials would be necessary to treat groundwater prior to distribution to consumers, the Town shall develop a Spill Prevention and Response Plan. The plan shall be prepared in compliance with the applicable local, state, and federal regulations, including but not limited to all standard construction and operational measures dictated by Sonoma County and the DTSC, for the Program's proposed activities prior to the commencement of Phase 1. If necessary and as determined by the Town's Public Works Department, the Town shall update the plan with site specific details prior to the commencement of each Program project and/or to remain in compliance with any changes to the applicable local, state, and federal regulations. The plan shall summarize the measures required under Mitigation Measures HAZ-2 and HAZ-3. It shall also require that:

1. Equipment and materials for cleanup of spills be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly;
2. Prior to entering the work site, all field personnel shall be appropriately trained in spill prevention, hazardous material control, and clean-up of accidental spills.
3. Field personnel shall implement measures to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means.
4. Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). All field personnel shall be advised of these locations and trained in their appropriate use.

The Town shall routinely inspect the project sites to verify that the Spill Prevention and Response Plan is properly implemented and maintained.

Absorbent materials shall be used on small spills located on impervious surface rather than hosing down the spill; wash waters shall not discharge to the storm drainage system or surface waters. For small spills on pervious surfaces such as soils, wet materials shall be

excavated and properly disposed rather than buried. The absorbent materials shall be collected and disposed of properly and promptly.

Mitigation Measure HAZ-2: On-Site Hazardous Materials Management
(DEIR pg. 3.8-9, -10)

1. The products used and the end products that are produced after their use shall be inventoried.
2. As appropriate, containers shall be properly labeled with a "Hazardous Waste" label and hazardous waste shall be properly recycled or disposed of offsite.
3. Contact of chemicals with precipitation shall be minimized by storing chemicals in watertight containers or in a storage shed (completely enclosed), with appropriate secondary containment to prevent any spillage or leakage.
4. Quantities of equipment fuels and lubricants greater than 55 gallons shall be provided with secondary containment that is capable of containing 110% of the primary container(s).
5. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not be allowed to enter receiving waters or the storm drainage system.
6. Sanitation facilities (e.g., portable toilets) shall be surrounded by a berm, and a direct connection to the storm drainage system or receiving water shall be avoided.
7. Sanitation facilities shall be regularly cleaned and/or replaced, and inspected regularly for leaks and spills.
8. Waste disposal containers shall be covered when they are not in use, and a direct connection to the storm drainage system or receiving water shall be avoided.
9. All trash that is brought to a project site during maintenance activities (e.g., plastic water bottles, plastic lunch bags) shall be removed from the site daily.

Mitigation Measure HAZ-3: Hazardous Materials Transportation Plan (DEIR pg. 3.8-10)

The Town shall prepare a Hazardous Materials Transportation Plan that shall identify preventative measures to be taken throughout the four phases of the Program to minimize the potential for any accidental spills of hazardous materials or chemicals during transit to the Program sites. The plan shall identify all chemicals or hazardous materials that shall be transported as part of the Program. Measures included in the plan shall comply with all applicable local, state, and federal regulations related to the transport of hazardous waste and shall include but not be limited to good-housekeeping policies related to the handling and storage of these chemicals. Prior to the initiation of each project under the Program, the plan shall be updated, if necessary and as determined by the Town's Public Works Department, to include any new hazardous materials and related handling guidelines. The plan shall also identify appropriate disposal methods and locations for any hazardous wastes or chemicals used during the Program's activities.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above provide for the development of appropriate hazardous material treatment plans specific to the chemicals to be used based on the groundwater quality investigations. These plans include a spill prevention response plan, on-site management plan, and a transportation plan to ensure that proper handling, storage, transport and disposal of chemicals is applied throughout all phases of the Program and its component activities to avoid accidental spills or leaks.

Impact HAZ-2: Creation of a Hazard to the Public or Environment through Accidental Release of Hazardous Materials (DEIR pg. 3.8-11)

The construction of the proposed facilities would require the use of heavy equipment, including excavators, backhoes, bulldozers, scrapers, and generators. Hazardous materials used by this equipment, such as oils, grease, or fuels, could spill during the construction activities. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) at project sites for the duration of construction activities. The accidental release of hazardous materials could impact soil and groundwater quality, or could result in adverse health effects to construction workers, the public, or the environment. Implementation of Mitigation Measures HAZ-2, HAZ-3, and HAZ-4 would reduce this impact to a less-than-significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure HAZ-2: On-Site Hazardous Materials Management: see above.

Mitigation Measure HAZ-3: Hazardous Materials Transportation Plan: see above.

Mitigation Measure HAZ-4: Equipment and Vehicle Maintenance and Cleaning (DEIR pg. 3.8-11, -12)

In addition to implementing the measures described below, the Town shall include all measures identified below in the Spill Prevention and Response Plan described under Mitigation Measure HAZ-1.

1. All vehicles and equipment shall be kept clean. Excessive build-up of oil or grease shall be avoided.
2. All equipment prior to use shall be inspected for leaks. Action shall be taken to prevent or repair leaks, if necessary.
3. Vehicle and equipment maintenance and cleaning activities shall be conducted off site.
4. If maintenance must occur on-site, designated areas shall not directly connect to the ground, surface waters, or the storm drainage system to prevent the run-on of stormwater and runoff of spills. The service area shall be clearly designated with berms, sandbags, or other barriers.
5. Secondary containment, such as a drain pan or drop cloth, to catch spills or leaks shall be used when removing or changing fluids. Fluids shall be stored in appropriate containers with covers, and properly recycled or disposed of off-site.
6. Cracked batteries shall be stored in a non-leaking secondary container and removed from the site.

7. Spill clean-up materials shall be stockpiled where they are readily accessible.
8. Incoming vehicles and equipment shall be checked for leaking oil and fluids (including delivery trucks, and employee and subcontractor vehicles). Leaking vehicles or equipment shall not be allowed on site.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measures ensure that all use, storage, transport, and disposal of hazardous materials during construction activities would be performed in accordance with local, state, and federal hazardous materials regulations to prevent the accidental release of hazardous materials. These measures also provide guidance for hazardous material use associated with construction equipment to minimize the potential for spills and leaks associated with construction of the Program. With the implementation of these measures, the potential impact is reduced to a less than significant level.

Impact HAZ-3: Release of Emissions or Hazardous Materials near a School (DEIR pg. 3.8-12)

Construction activities would require the use of hazardous materials and well treatment activities may require the use of treatment chemicals that are considered hazardous materials. These activities would potentially result in accidental releases of hazardous materials near a school. Mitigation Measures HAZ-1, HAZ-2, and HAZ-3 would reduce this impact to a less-than-significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure HAZ-1: Spill Prevention Response Plan: see above.

Mitigation Measure HAZ-2: On-Site Hazardous Materials Management: see above.

Mitigation Measure HAZ-3: Hazardous Materials Transportation Plan: see above.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measures provide comprehensive treatment plans for the handling, storage, transport and disposal of hazardous materials including compliance with federal and state regulations. Implementation of these measures would minimize the potential for the Program to result in any accidental spills or leaks or other release of hazardous material in the project areas generally, including in proximity to schools and would reduce this impact to a less-than-significant level.

Impact HAZ-4: Release of, or Exposure to, Hazardous Materials from an Existing Contaminated Site (DEIR pg. 3.8-12)

Disturbance and excavation of soils for installation of storage tanks, pipelines, and groundwater wells would occur within existing roadways and undeveloped areas. Soils previously or currently used for agriculture may have been subject to the application of pesticides and herbicides that potentially contain toxic materials. Soils adjacent to urban or industrial areas or within drainage ditches along roadways may have been subjected to spills of hazardous materials. In addition, sites contaminated with metals or gasoline-related byproducts are located near proposed Projects ST-1, WM-1, WM-5, WM-7, WM-10, and WM-15. Disturbance, transport, or reuse of contaminated soils during construction activities could present a health risk to construction workers and the public. Implementation of Mitigation Measures HAZ-5, HAZ-6, and HAZ-7 on a site-by-site basis for all four phases of the Program would reduce this impact to a less-than-significant level.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure HAZ-5: Perform a Phase 1 Investigation Prior to Construction Activity (DEIR pg. 3.8-13)

Prior to the commencement of construction activities, the Town or its contractor shall perform a Phase I investigation and establish procedures to address the identification, excavation, handling, and disposal of hazardous materials in accordance with ASTM Standard 1527-05, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and the USEPA "All Appropriate Inquiries" standards and practices (40 CFR 312). An environmental database search of regulatory-listed hazardous materials sites contained in local, regional, state, and federal databases for the program site and within a 0.5-mile radius of the site shall be performed by a qualified professional as part of this assessment. If contaminated soil or groundwater is encountered, the Town shall notify the appropriate local environmental management agencies and local fire departments. The Town shall ensure that any identified environmental site conditions that may represent a risk to public health and safety shall be remediated in accordance with federal, state, and local environmental laws and regulations. All recommendations in the site assessment shall be implemented by the Town and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to adverse conditions on the program site as a result of uncovering existing sources of contamination. This mitigation measure may be conducted in coordination with Mitigation Measure HAZ-6, as appropriate.

Mitigation Measure HAZ-6: Prepare a Health and Safety Plan for Construction Activities on Known Hazardous Materials Sites (DEIR pg. 3.8-13)

If construction is anticipated to take place on a known hazardous materials site(s) identified as part of Mitigation Measure HAZ-5's Phase 1 investigations, a hazardous operations site-specific Health and Safety Plan (HSP) for construction activities that take place on this site(s) shall be prepared and implemented, as required by Cal/OSHA standards. The site-specific HSP shall be developed, as necessary, by an environmental contractor before any investigation or cleanup activities or construction activities begin in the area. Workers who could directly contact soil, vapors, or groundwater containing hazardous levels of constituents shall perform all activities in accordance with the HSP.

Mitigation Measure HAZ-7: Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials (DEIR pg. 3.8-13)

Prior to the onset of construction, all construction workers shall be trained in the identification of potentially contaminated soil and water, including the characteristics of potential contamination, such as discolored soil, oils or sheens on water, and unusual odors. In the event that hazardous materials are encountered during construction, all construction activities in the area of the discovery shall stop, and the Town or its contractors shall conduct hazardous materials investigations to identify the nature and extent of contamination and evaluate potential impacts on program construction. If necessary, the Town or its contractors shall implement remediation measures consistent with all applicable local, state, and federal codes and regulations. Construction shall not resume until remediation is complete. If waste disposal is necessary, the Town shall ensure that all hazardous materials removed during construction are handled and disposed of by a licensed waste-disposal contractor and are transported by a licensed hauler to an appropriately-licensed and permitted disposal or recycling facility.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above provide for the completion of an environmental site assessment for each project site to ensure that any existing site conditions that could represent risks to public health and safety from exposure to hazardous materials in soils are identified and remediated. In addition, the identified measures also provide for construction worker training such that hazardous materials encountered during construction would be properly identified, handled and disposed. These measures ensure that the potential health risks from disturbance, transport or reuse of contaminated soils will be reduced to a less than significant level.

Impact HAZ-6: Exposure of People or Structures to Risk of Loss, Injury, or Death Involving Wildland Fires (DEIR pg. 3.8-13, -14)

A moderate fire-hazard severity zone is located in the area east of Faught Road. Construction activities in this area associated with Projects ST-1, ST-1 Alternative, and WM-11 could have the potential to ignite a fire. With implementation of Mitigation Measure HAZ-8 this construction-related impact would be reduced to a less-than-significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure HAZ-8: Fire Prevention (DEIR pg. 3.8-14)

1. All earthmoving and portable equipment with internal combustion engines shall be equipped with spark arrestors.
2. During the high fire danger period (April 1–December 1), work crews shall have appropriate fire suppression equipment available at the work site.
3. On days when the fire danger is high and a burn permit is required (as issued by the relevant Air Pollution Control District), flammable materials, including flammable

vegetation slash, shall be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame.

4. On days when the fire danger is high and a burn permit is required, portable tools powered by gasoline-fueled internal combustion engines shall not be used within 25 feet of any flammable materials unless at least one round-point shovel or fire extinguisher is within immediate reach of the work crew (no more 25 feet away from the work area).

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Implementation of the identified mitigation measure would ensure that construction equipment is properly equipped to minimize ignition risk and that fire suppression equipment is available for use by construction crews during peak fire danger periods. In addition, during high fire danger periods, construction sites would be properly maintained to keep ignition sources as far away from equipment as possible. These measures would reduce potential impacts to a less than significant level.

Impact HAZ-7: Impair or Interfere with Emergency Plans (DEIR pg. 3.8-14)

When fully constructed, Program facilities would have no impact on the implementation of an adopted emergency response plan or emergency evacuation plan implemented by the Town or County. However, the construction of various water system improvements could occur within existing streets, and may require temporary lane closures. Temporary roadway closures or traffic delays could impede emergency response vehicles; however, as discussed for Impact TR-1 (below), Mitigation Measures TR-2 and TR-3 require implementation of a traffic management plan and notification of appropriate fire and police departments prior to any temporary road closures. These mitigation measures would ensure that any impacts on emergency protection services during construction would be less than significant.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure TR-2: Minimize Effects of Temporary Roadway Disturbances
(see Impact TR-1 below)

Mitigation Measure TR-3: Emergency Coordination and Access Considerations
(see Impact TR-1 below)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measures identified above would establish site specific traffic management plans to minimize the effect of temporary roadway disturbances, and advanced notification of the appropriate authorities prior to any anticipated road closures would ensure adequate emergency

access. These measures will reduce potential impacts on emergency plans to a less than significant level.

HYDROLOGY AND WATER QUALITY

Impact HYD-1: Water Quality Degradation from Program Construction (DEIR pg. 3.9-15, -16)

Installation of all the proposed projects involves ground disturbance, thus construction activities could cause soil erosion and sedimentation to local waterways. In addition, construction equipment would have the potential to leak hazardous materials, including oil and gasoline. Improper use of fuels, oils, and other construction-related hazardous materials may also pose a significant threat to surface or groundwater quality. However, implementation of Mitigation Measure HYD-1 would reduce these impacts to a less-than-significant level.

The installation of pipelines across creeks, such as Pool Creek for Project WM-1 and Pruitt Creek for Project WM-11, may involve the use of trenchless construction methods for installation. Common trenchless methods require the use of drilling fluids, such as slurry. Slurry, typically bentonite (inert clay) and water, is used as a lubricant for tunneling and pipe installation. Improper handling disposal, and/or discharge of drilling fluids, if used, could result in a potentially significant impact on surface water quality. Implementation of Mitigation Measure HAZ-1 (identified above) would reduce these impacts to a less than significant level.

In addition, directional drilling and microtunneling construction methods could potentially result in an inadvertent release of drilling fluid or a "frac-out," in which the pressurized drill fluid travels upward through the substrate and is released to the ground surface or water column (if drilling is conducted under an actively flowing water body). A release such as this can smother habitat and increase turbidity and suspended sediments in the water column. This would constitute a potentially significant impact on water resources. However, implementation of Mitigation Measure HYD-2 would reduce this potential impact to a less-than-significant level. If pipelines across creeks are installed without the use of drilling or microtunneling methods, (e.g., the pipe is suspended beneath the existing bridge or a cut-and-fill trench method is used across a dry creekbed), implementation of Mitigation Measure HYD-2 would not be required.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

> **Mitigation Measure HAZ-1: Spill Prevention and Response Plan**
> (see Impact HAZ-1 above)
>
> **Mitigation Measure HYD-1: Obtain Coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity and Implement Best Management Practices during Construction** (DEIR pg. 3.9-16, -17)
>
> Prior to onset of construction activities, the Town and/or its contractors shall obtain coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity for projects that would disturb more than one acre of land. As part of this process, a SWPPP shall be prepared and best management practices (BMPs) identified in the SWPPP shall be implemented to control soil erosion, in-channel turbidity, and discharges of other construction-related contaminants such as fuel, oil, grease, paint, concrete, and other hazardous materials. Routine monitoring and inspection of BMPs shall

be conducted to ensure that the quality of stormwater discharges is in compliance with the permit. Flows in the creek or wetland areas shall be diverted around the active construction area, and ground-disturbing activities shall be limited to the dry weather season to the extent possible.

The SWPPP shall be prepared prior to the start of construction activities and shall prescribe site-specific implementation of BMPs to avoid and reduce waste discharges. The SWPPP shall include BMPs that address the following general categories of erosion and runoff control:

- conduct construction activities during the dry season (June 15 – Oct 15) to the extent possible;
- conduct all construction work in accordance with site-specific construction plans that minimize the potential for increased delivery of sediment to surface waters;
- install tracking control measures to reduce sediments that leave the construction site on vehicle or equipment tires;
- cover all loads to reduce the potential for loss of materials during transit;
- ensure that concentrated runoff and concentrated discharge are diverted away from channel banks;
- minimize removal of and damage to native vegetation;
- install temporary construction fencing to identify all areas that require clearing, grading, revegetation, or recontouring, and minimize the extent of areas to be cleared, graded, recontoured, or otherwise disturbed;
- grade and stabilize or cover spoil sites to minimize erosion and sediment input to surface waters and generation of fugitive dust;
- routinely water dust-prone construction areas to reduce generation of fugitive dust and to control migration of sediment outside of the project area on construction vehicle tread;
- as appropriate, implement erosion and sediment control measures to prevent sediment from entering surface waters, including the use of shallow wattles to trap sediments and erosion control blankets on slopes and channel banks;
- avoid operating equipment in flowing water by using temporary cofferdams and water diversion systems to divert flow around the channel and bank construction area;
- monitor water quality of dewatering operations; and
- implement hazardous material delivery, storage, and emergency spill response requirements.

As a performance standard, the BMPs shall represent the best available technology that is economically achievable and shall be selected to achieve maximum sediment removal. The contractor shall develop specific BMPs, with Town approval, on a site-specific basis. The construction contractor shall ensure that the BMPs are implemented as appropriate throughout the duration of construction and shall be responsible for subcontractor compliance with the SWPPP requirements.

In the case of ground-disturbing activities that are of less than one acre in extent, coverage under the General Construction Permit is not required. However, the Town and/or its contractors shall still adhere to the BMPs and standards identified above.

Mitigation Measure HYD-2: Prepare and Implement Drilling-Contingency (or "Frac-out") Plan during Drilling (DEIR pg. 3.9-17, -18)

Prior to the onset of construction of pipeline projects across a creek or canal by a construction method using drilling fluid, the Town or its contractor shall prepare and implement a Drilling-Contingency Plan to manage the inadvertent release, or "frac-out," of drilling fluids. If the contactor prepares the plan, it shall be subject to approval by the Town before drilling can begin. The Drilling-Contingency Plan shall include measures to minimize the potential for a frac-out (e.g., pre-planning of the drilling profile based on ground conditions such that potential release of the fluids is minimized), provide for the timely detection of frac-outs, and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling fluid.

The Town shall ensure that drilling fluids, including those used in the processes for installation of underground pipelines, contain only water and bentonite or similar inert substances (i.e., contain no environmental pollutants). If on-site containment and channel dewatering methods are used, the Town and its contractors shall ensure the contained materials are not susceptible to runoff during a storm event. This shall be achieved by installing a barrier (e.g., silt fence or dirt berm) along the creek or canal side of the launching and receiving pits for the drilling (start and end points of the drilled reach) to prevent drill fluids from the work area from being carried to the water body. Drilling fluids shall be dewatered on-site if approved by regulatory permitting agencies and/or properly disposed of off-site.

In addition to the above specifications, the Drilling-Contingency Plan shall require, at a minimum, the following measures and content:

- A monitor to be on site during drilling operations to look for observable inadvertent release or frac-out conditions or lowered pressure readings on drilling equipment that may indicate a potential frac-out.
- If the contractor and/or drilling-machine operator suspect that there is a frac-out (i.e., notices a loss of circulation of drilling fluid and cuttings do not show a large quantity of gravel) or drilling fluid is observed at the surface, all work shall stop, including the recycling of drilling fluid. The location and extent of the frac-out shall be determined. The contractor shall implement measures to stop the frac-out, such as reducing the drilling pressure or thickening the drilling fluid (e.g., by using less water).
- If the drilling fluid does not surface, no other actions shall be taken.
- If the drilling fluid surfaces, the affected area shall be surrounded with a barrier (e.g., silt fence) to prevent further dissemination of the fluid. If the drilling fluid is released into a water body (creek or canal) when there is flow and there is a visible plume, a sediment boom or curtain shall be installed downstream of the frac-out to attempt to capture the released drilling fluid. The drilling fluid shall then be removed using the minimum amount of equipment needed to remove it (e.g., manually or by suction hose using a vacuum truck) to minimize impacts on the surface area where the frac-out occurred.

- Upon implementation of the response measures described above, and containment of the frac-out, drilling may resume.
- The Town shall ensure that the frac-out plan also includes notification procedures to applicable regulatory agencies (i.e., Regional Water Quality Control Board and Department of Fish and Game) for reporting frac-outs. The Town shall consult with these agencies to implement the most appropriate measures to protect water quality in the event of a frac-out. To this end, the Town shall provide a copy of the plan to the appropriate regulatory agencies prior to construction, as part of the project permitting process.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The measures identified above would minimize the risk of spills or leaks of hazardous materials or other pollutants during construction that could otherwise affect surface or groundwater quality. In addition, the measures would require the preparation and implementation of a spill prevention and response plan and a frac-out contingency plan (if drilling fluids under pressure are used). Such plans would prevent accidental releases of drilling fluids and other hazardous materials associated with drilling activities to surface waters and provide for appropriate management of drilling fluids. As such, implementation of these measures would reduce the potential for water quality degradation during construction to a less-than-significant level.

Impact HYD-2: Water Quality Degradation from Program Operations (DEIR pg. 3.9-18, -19)

During operation of treatment and disinfection systems for groundwater wells, accidental releases of hazardous chemicals could occur that would potentially threaten water quality. Accidental releases of hazardous chemicals would be prevented by implementation of Mitigation Measures HAZ-1, HAZ-2, and HAZ-3. This impact would be less than significant with implementation of the mitigation measures referenced below.

In addition, operation of wells and pipelines could require periodic flushing or purging for maintenance. However, such discharges would be covered either under the Town's Municipal NPDES permit (for discharges to the sewer) or by the North Coast Regional Water Quality Control Board Low-Threat General Order (for discharges to surface waters), and would not threaten people or the environment because they are composed of relatively pollutant-free water.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure HAZ-1 through HAZ- 3: (see Impact HAZ-1, above)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measures provide comprehensive treatment plans for the handling, storage, transport and disposal of hazardous materials in compliance with federal and state regulations. Implementation of these measures would minimize the potential for the Program to result in any accidental release of hazardous material that could otherwise degrade water quality, and would reduce this impact to a less-than-significant level.

Impact HYD-7: Alteration to the Recharge or Quantity of Groundwater (DEIR pg. 3.9-22, -25)

Water diverted from the Russian River for the proposed Managed Groundwater Program (MGP) would be transported from the Russian River well field (RRWF) using the existing distribution system, with additional piping connections, to approximately four new injection/extraction wells. These wells would be constructed within three well fields throughout the Program Area. The new wells would inject water into the intermediate and/or deep aquifer zones in the underlying Windsor-Fulton unit. The injected water would then be extracted as needed throughout the year to meet the Town's seasonal water demand, though extraction would typically occur during the following dry season (June through October). This typical cycle of extraction in the summer followed by injection in the winter would continue. Effects on the recharge and quantity of groundwater in the Program Area could occur during the implementation of the proposed MGP, including potentially significant impacts to aquifer volume and fluctuations in water levels in other wells within the Program Area.

Aquifer Volume. On average, the amount of water injected and withdrawn annually as part of the MGP would be a small portion of the overall estimated available storage in the Windsor-Fulton unit. However, if operation of the MGP resulted in extraction volumes that exceeded injection volumes, then a net deficit in aquifer volume or lowering of the groundwater table level (overdraft) could occur over time. This would result if the MGP was operated without monitoring to ensure that the extraction/injection cycling occurred in a sustainable manner that preserves groundwater elevations over the long term. Implementation of Mitigation Measure HYD-3 would ensure that the MGP would be operated to prevent overdraft of the groundwater basin.

Connectivity between the Intermediate, Deep and Shallow Aquifers, and Effects on Neighboring Wells. The potential connectivity between the intermediate, deep and shallow aquifer systems is a concern because MGP operations are intended to only recharge and extract water into the intermediate/deep aquifer without affecting the shallow aquifer. The majority of wells in the Program Area extend 100-300 feet below ground surface (bgs). This region is considered the shallow zone of the Windsor-Fulton unit. The new exploratory wells installed at Esposti Park and Bluebird Court in 2010 were drilled much deeper to 670-695 feet bgs. This region is considered the intermediate/deep zone of the Windsor-Fulton unit.

Pumping tests at the Esposti Park well site suggest that the shallow and intermediate/deep aquifers are hydrologically isolated from one another and have limited connectivity. Separation of the shallow and intermediate/deep aquifer suggests that injection of water from the RRWF into the intermediate/deep aquifer and subsequent extraction of that water (from the intermediate/deep aquifer) would not affect shallow aquifer levels (and in turn not affect surface flows in creeks or wells located within the shallow aquifer).

However, fluctuations that result in reduced capacity or pressure in surrounding groundwater wells such that the water supply becomes unreliable or inconsistent would be considered a significant effect of MGP operations. To further evaluate the potential short and long-term

fluctuations in groundwater levels that could affect other groundwater wells as a result of MGP operations, RMC Water and Environment conducted further analysis beyond the well tests. The analysis concluded that wells located approximately 500 feet away from the MGP wells and pumping from the intermediate/deep aquifer would see a small fluctuation, typically 50 to 80 feet during project operations. Wells further than 500 feet away would exhibit lesser fluctuations in water levels. These preliminary estimates are based on a limited amount of data. Potential short and long-term fluctuations in groundwater levels and corresponding effects on other wells should be evaluated through monitoring over the course of operating the MGP and the MGP operating conditions refined such that significant impacts would be avoided or reduced. Therefore, implementation of Mitigation Measure HYD-3 is required to ensure impacts on groundwater level fluctuations would be less than significant.

The current understanding of the relative isolation between the intermediate/deep and shallow aquifers at Esposti Park is assumed to occur as a general condition within the Program Area. However, this condition is not yet confirmed by additional pump tests at other locations in the Program Area. It is possible that planned future wells installed for the MGP in the areas shown in Figure 2-5 (DEIR Chapter 2) will demonstrate a stronger connection between the intermediate/deep and shallow aquifers. There is also potential that the initial operation of the MGP at any of the Phase 1 well fields and at the wells proposed in future well fields could indicate stronger functional linkages between the intermediate/deep and shallow aquifer systems.

If a stronger connection between the intermediate/deep and shallow aquifers exists (a condition not indicated by field pump tests to date), then pumping from the intermediate/deep aquifer could lower water levels in the shallow aquifer, and effectively lower the local groundwater level, with potentially corresponding effects on local wells and creeks. This could result in impacts to streamflow and groundwater supplies in nearby wells. It should be noted, however, that pumping from existing wells in the shallow aquifer has the potential to result in depletion of that aquifer, irrespective of the operation of the Town's well facilities.

At present, Sonoma County Water Agency is leading a basin-wide endeavor to develop a groundwater management plan for the Santa Rosa Plain. The Town of Windsor is actively involved in this process and is one of many entities supporting the plan development and future implementation. Groundwater management, as defined in DWR Bulletin 118, Update 2003, is the planned and coordinated monitoring, operation, and administration of a groundwater basin or portion of a groundwater basin with the goal of long-term sustainability of the resource. Groundwater Management Plans (GWMPs) are one means by which groundwater can be managed. Sections 10750-10756 of the California Water Code (AB 3030) provide a systematic procedure for an existing local agency to develop a groundwater management plan. This section of the code provides such an agency with the powers of a water replenishment district to raise revenue to pay for facilities to manage the basin (extraction, recharge, conveyance, quality). Preparation and implementation of a Santa Rosa Plain GWMP would aid in coordinating basin-wide groundwater use and management to ensure the sustainability of this resource long-term.

To reduce impacts from the potential lowering of the shallow groundwater table that would be attributable to the Town's MGP wells, implementation of Mitigation Measure HYD-3 is required.

Mitigation

The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure HYD- 3: MGP Operating Rules (DEIR pg. 3.9-25, -26)

To ensure the long term sustainability of the MGP, the Town shall establish operating rules prior to commencement of the program. The operating rules may be refined over time based on additional investigations of the groundwater basin and data analyses, and incorporate the following conditions based on concerns about aquifer connectivity, the maximum amount of water withdrawn from the aquifer, and the maximum amount of water projected for injection into the aquifer. The Town shall establish a long-term monitoring program and a mitigation program to identify and mitigate long-term effects on existing groundwater wells.

1. Maintaining Long-Term Sustainability of Aquifer: The MGP shall be operated such that, over the long-term, there is no net decrease of the aquifer groundwater elevations and the aquifer is maintained to sustainable elevation conditions that are similar to the current existing conditions. To achieve this long-term sustainability, the total aquifer injections and extractions will be maintained within 20 percent of one another over a 10-year rolling average. Further, should long-term declines in groundwater levels result from MGP operations (outside of the range of natural fluctuation), the Town would increase the ratio of injections to extractions to reverse this trend and bring groundwater levels back up to sustainable levels.

2. Aquifer Connectivity: As future sites are investigated to establish other MGP wells and well fields, at least three injection and pump testing events shall be conducted with monitoring of shallow wells within a 1/2-mile radius. If these tests reveal that injections into or extracting from the intermediate/deep aquifer causes a substantial increase or decrease in water levels in the shallow aquifer or in surrounding wells, alterations to surface streamflow, or impacts to natural recharge, the MGP operations shall cease and be reassessed before proceeding with injection or pumping activities. MGP operations shall not proceed until there is a significant body of evidence that existing wells would not be affected

3. Maximum Infiltration into Aquifer: In general, the allowable amount of infiltration into a well in a confined aquifer is controlled by depth to water and the amount of pressure in the system. Increased pressure in the system from infiltrating too much water into a confined aquifer can cause hydraulic fracturing, or break apart formations that separate an intermediate/deep and shallow aquifer system. Huismann and Olsthoorn (1983) provide a method to determine the maximum water level rise based on the injection pressures and the water level rise. This method was applied to the Esposti Park replacement well, which approximated a maximum water level rise of 97 to 145 feet. This method, or a comparable method, shall be used to determine the maximum water level rise for additional wells constructed for the MGP. MGP operation conditions for each individual well shall be operated such that the maximum water level rise is not exceeded.

4. Adaptive Management of MGP to Ensure Sustainability: A long-term injection monitoring and testing program to assess sustainable injection and production rates and corresponding operation and maintenance procedures shall be developed prior to initiation of the MGP. Long-term operating protocols shall be modified annually and as additional wells are added to the program. As a performance standard, the MGP shall be operated such that there is no substantial long-term net deficit in aquifer volume.

5. Participation in Santa Rosa Plain Managed Groundwater Program: The Town's continued participation in the Santa Plain Rosa Managed Groundwater Program will help to ensure that the MGP is consistent with overall basin management.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above would establish comprehensive standards, including testing, operating and monitoring rules for the MGP to provide adaptive management to ensure long-term sustainability and minimize potential short and long-term fluctuations in groundwater levels and corresponding effects on other wells. This management plan will be updated annually to ensure its ability to meet performance standards for water level rise and aquifer volume. Implementation of this measure will reduce impacts to the aquifer to a less than significant level.

NOISE

Impact N-1: Exposure of Residences and Other Noise Sensitive Uses to Noise from Construction Activities (DEIR pg. 3.11-7, -9)

The EIR analysis indicates that for daytime construction within 50 feet of a residence or other sensitive uses, the Program could result in daytime noise levels of 92 dBA. This noise level would exceed the FTA's suggested construction noise standards of 90 dBA. And thus, Program construction noise levels are considered a potentially significant impact. However, the implementation of Mitigation Measure N-1 would reduce this impact to a less-than-significant level.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure N-1: Employ Noise-Reducing Construction Practices (DEIR pg. 3.11-9)

The following measures shall be implemented by the Town or its contractor to reduce adverse effects from construction noise:

- At least one week prior to the start of construction, public notification shall be distributed to residents and businesses within 200 feet of the project site.
- Stationary equipment shall be located as far as practical from noise-sensitive land uses.
- Construction vehicles and equipment shall be turned off when not in use.
- All equipment and vehicles used for construction shall be maintained in proper mechanical condition with engine mufflers installed.
- Construction hours shall be limited to 7:00 a.m.–7:00 p.m., Monday through Friday. If special circumstances require construction outside of those hours, the contractor may request and the Town may approve additional times, as necessary.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above would establish construction limitations and noise control measures to reduce noise generation from construction equipment and to keep noise sources as far away from sensitive receptors as possible, thereby minimizing construction noise levels for those receptors. Advanced notification would also be provided to nearby property to adequately inform sensitive receptors of upcoming construction activities and construction times would be limited to weekdays. This measure would reduce potential impacts to a less than significant level by reducing construction noise and by allowing noise sensitive receptors to anticipate and prepare for nearby construction noise.

RECREATION

Impact REC-1: Temporary Disturbance of Recreational Quality (DEIR pg. 3.14-3, -4)

Temporary disruptions to Hiram Lewis Park, Foothill Regional Park and Esposti Park would occur for construction of Projects W-3 and ST-2, and W-2. In addition, temporary disruptions to bike and pedestrian paths would apply to all pipeline projects proposed in each of the four phases of the Program.

Construction activities would not prohibit recreational activities from occurring, nor would they require complete closure of parks or transportation paths. However, a portion of a recreational area may be temporarily closed during construction. Typical construction activities would extend over a period of a few days to a few weeks. There are many parks that offer similar recreational opportunities and in relatively close proximity throughout the Program Area; however, the presence of construction areas in and near portions of accessible recreation areas could result in potentially significant temporary public access and safety impacts. With implementation of Mitigation Measure REC-1, this impact would be less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure REC-1: Public Safety Measures (DEIR pg. 3.14-4)

The Town or its contractors shall implement the following access and public safety measures during construction:

1. Construction signs shall be posted at the work site to warn the public of construction activities and to exercise caution.
2. Where work is proposed adjacent to a recreational trail, bikeway, or sidewalk, warning signs shall be posted several feet beyond the limits of work. Signs shall also be posted if trails, bikeways, or sidewalks shall be temporarily closed. If feasible, detours around the construction site shall be provided.
3. If temporary lane closures are needed to allow for trucks to enter and exit a work site, the Town or its contractors shall provide traffic controls (i.e., warning signs and flaggers).
4. Fencing, either the orange safety type or chain link, shall be installed around the construction zone to exclude recreational users and pedestrians where trails, bikeways, and sidewalks would be closed for construction.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Signage, detours, traffic controls, and fencing, will provide public awareness of potential dangers and allow adequate public access to recreational areas and safe passage around construction zones. Through implementation of the mitigation measure, the potential impact is reduced to a less than significant level.

TRANSPORTATION AND TRAFFIC

Impact TR-1: Increase in Area Traffic Volumes and Degradation of LOS Due to Program-Generated Traffic (DEIR pg. 3.15-8, -11)

Overall, the Program would generate a small amount of traffic during individual project construction, and a negligible amount of traffic during ongoing operation of the new facilities. As such, long-term operational effects would be less than significant. However, construction of the proposed facilities would generate short-term increases in vehicle trips related to construction workers and construction vehicles on area roadways. Construction-related vehicle trips typically would include construction workers traveling to and from the project sites or staging areas, haul trucks associated with the disposal of excavated materials, and trucks delivering material and equipment to the sites.

The number of construction workers and construction vehicles would vary by action, phase, planned activity, and material needs. The addition of construction traffic to roadway volumes could result in minor increases in congestion and delay for vehicles. Furthermore, the presence of construction truck traffic would temporarily reduce roadway capacity because of the slower travel speeds and larger turning radii of trucks.

In addition, Program-related construction could temporarily increase traffic hazards by closing or narrowing lanes for trenching and other methods requiring work beneath or adjacent to roadways. Pipelines included in the Program would be installed beneath or within the right-of-way of existing streets throughout the Program Area. Program-related construction could affect the availability of travel lanes when construction occurs within and adjacent to public roadways. Construction within Town or County streets could result in a temporary reduction in the number or available width of travel lanes and could subject vehicles (including transit) to increased congestion and delays.

Construction of pipelines within existing roads and rights-of-way may result in temporary traffic obstructions. Reductions in roadway capacity through temporary lane closures could further increase congestion and delays for vehicles using the roadway. The specific impact of construction on roadways would depend on the number and type of construction-related vehicles, the number of travel lanes on the roadways, existing traffic volumes on these roadways, the terrain, and other factors. In general, construction on four-lane roadways would typically allow for the maintenance of two-way traffic flow; however, temporary lane closures on two-lane roadways could substantially affect traffic operating conditions.

Construction activities that affect roadway operations could result in significant impacts on traffic flow. Implementation of Mitigation Measures TR-1 and TR-2 would ensure that construction-

generated traffic and temporary road closures associated with individual projects implemented pursuant to the Program would be less than significant.

Phase 1 Projects
Of these projects, construction-related effects would be less than significant with the exception of Projects ST-1/ST-1 Alternative, WM-1 and WM-11.

The storage tank project would involve truck haul traffic associated with the removal of excavated material. Based on the estimated range of excavated material requiring disposal for ST-1 and the use of standard 10-cu. yd. capacity trucks, between four and eight truck trips would be generated per day (or up to one trip per hour). If the ST-1 Alternative storage tank was implemented, the estimated total of truck haul trips could be up to 16 trips per day, or two trips per hour. With larger 20-cu. yd. trucks, this could be halved, to approximately two to four truck trips per day for ST-1 or eight trips per day for the ST-1 Alternative. Because these truck haul trips would be intermittent and temporary, the addition of approximately 8-16 truck trips per day (one to two trips per hour) over 120 work days would not cause substantial degradation of LOS or delay for motorists in the Program Area. However, as described previously, the presence of construction truck traffic related to heavy equipment transport and haul trucks could temporarily reduce roadway capacity due to the slower travel speeds and larger turning radii of trucks. Implementation of Mitigation Measure TR-1 and TR-2 would ensure that the effects of construction traffic on local roadways would remain less than significant.

Projects WM-1 and WM-11 are linear pipeline projects that are sited immediately adjacent to or within an existing roadway. These are the only Phase 1 projects that would involve physical encroachment into the traveled way. Project WM-1 would extend 6,700 feet along Pleasant Avenue, while Project WM-11 would install 5,900 linear feet of pipeline along Faught Road if the storage tank is constructed at the alternative Shiloh Ridge site (Project ST-1 Alternative). The availability of travel lanes would be affected if a portion of the existing pavement is required for construction purposes or where insufficient widths for both maintenance vehicles and regular traffic occur. In such cases, temporary closing or narrowing of lanes may be necessary to conduct construction activities. Based on the typical progress for pipeline projects, construction is expected to last between 4 and 5 weeks for each of these projects. However, each project would only affect small segments of the roadway (200–400 linear ft) at any given time as construction progresses. Nonetheless, lane closures associated with these Phase 1 projects could lead to traffic delays, temporary reductions in roadway LOS, or create traffic hazards.

Implementation of Mitigation Measures TR-1 and TR-2 would reduce impacts to a less than significant level.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure TR-1: Maintain Traffic Flow (DEIR pg. 3.15-11)

1. To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on public roadways in the vicinity of the work site.
2. Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment

and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday.

3. Roadway segments or intersections in the vicinity of project sites shall be assessed to determine if they are at, or are approaching, an LOS that exceeds local standards. Construction traffic shall avoid these locations to the extent feasible, either by traveling different routes or by traveling at non-peak times of day.

Mitigation Measure TR-2: Minimize Effects of Temporary Roadway Disturbances (DEIR pg. 3.15-11)

A Traffic Control Plan (TCP) shall be developed in accordance with the Town's Construction and Maintenance TCP Procedures for any work that would disrupt vehicle, bicycle, and/or pedestrian traffic. As described in the TCP requirements, notification shall be posted and/or circulated to the public at least 5 days in advance of anticipated closures, and the Town shall employ adequate control devices, signage, a detour route, and flaggers, as necessary, through the duration of construction.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

Maintaining two-way directional traffic and establishing haul routes would avoid causing unnecessary delays for drivers during the construction period. The preparation of a TCP, including a range of appropriate traffic control measures, such as advanced notification of closures, designated detour routes and use of adequate control devices and flaggers provides a mechanism for Program activities to minimize disturbances to roadways. To the extent that the TCP provides advanced notification and signage for road closures and detours, they provide local drives with the opportunity to plan their trips and avoid affected construction areas where possible. These measures ensure that potential impacts will be reduced to a less than significant level.

Impact TR-2: Increase in Safety Hazards (DEIR pg. 3.15-11, -12)

Construction activities associated with the Program could result in the temporary closing or narrowing of lanes in the vicinity of the project sites. Temporary reduction in the number or available width of travel lanes and sidewalks may be associated with projects occurring within or immediately adjacent to existing roadways or sidewalks, including Phase 1 Projects WM-1 and WM-11.

Full or partial-lane road closures would create traffic hazards affecting vehicle, transit, bicycle, and pedestrian traffic in the area. Because construction activities temporarily suspend the normal function of roadways, the potential exists for an increase in traffic safety hazards during construction of Program facilities. This increase in safety hazards would result from the increased potential for conflicts between construction vehicles, conflicts between the movement of traffic and construction activities, and confusion of drivers, bicyclists, and pedestrians resulting from temporary alterations in otherwise familiar roadway conditions.

The Program does not propose any changes that would permanently reconfigure or alter roadways; therefore, the Program would not result in a permanent impact on roadway safety conditions. With the adherence to Mitigation Measures TR-1, TR-2, and REC-1 (see above), the Program's impact on traffic safety hazards would be less than significant.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measures TR-1, TR-2, and REC-1: see above.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Implementation of the identified measures would ensure adequate traffic flows during temporary lane narrowing or closures, and would provide adequate public awareness of temporarily altered road conditions and potential hazards in affected roadway and park areas. The measures would also implement safety precautions associated with temporary trail, bikeway or sidewalk closures or other affected recreational use areas such that safe passage around construction zones is provided. These measures ensure that potential impacts will be reduced to a less than significant level.

Impact TR-3: Interference with Emergency Access and Circulation (DEIR pg. 3.15-12)

The Program does not propose any structures that would permanently block or constrain roadways; therefore, the Program would not result in a permanent impact on emergency and residential access. However, road closures, detours, and construction-related traffic could delay or obstruct the movement of emergency vehicles in the Program Area. If construction activities interfere with emergency response efforts such that response times would be extended, a significant impact would result. In addition, safe access to homes and businesses may be disrupted by equipment, staging, or construction activity. With the implementation of Mitigation Measures TR-1, TR-2, and TR-3, these impacts would be less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measures TR-1 and TR-2: see above.

Mitigation Measure TR-3: Emergency Coordination and Access Considerations (DEIR pg. 3.15-13)

1. When work is conducted on public roads and may have the potential to affect traffic flow, work shall be coordinated with local emergency service providers, as necessary, to ensure that emergency vehicle access and response is not impeded.
2. Access for driveways and private roads shall be maintained to the extent feasible. If brief periods of maintenance would temporarily block access, property owners shall be notified prior to maintenance activities.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
If road closures are anticipated, measures would be implemented to ensure the timely notification of maintenance schedules and consultation with all affected agencies (including police and fire departments) for all activities that could affect emergency access. Coordination with emergency service providers provides a mechanism for emergency access to continue even during road closures. This measure, combined with Mitigation Measures TR-1 and TR-2 to maintain adequate traffic flows will reduce potential impacts to a less than significant level.

Impact TR-4: Increase in Parking Demand (DEIR pg. 3.15-13)

Overall, the Program would not generate permanent parking demand, as the activities proposed would not create a new public destination or permanently provide or remove public parking areas. During the construction period, however, parking and staging requirements for construction workers may result in temporary disruptions in parking availability.

Phase 1 Projects
The majority of proposed project sites are located on Town- or County-owned areas that are access-restricted. Temporary parking and staging in these areas would have no effect on existing public parking availability. However, some projects, including Phase 1 Project W-2 (Esposti Well), are proposed in public areas. Construction of the proposed well at Esposti Park would require temporary occupation of a portion of the park's public parking lot for construction staging and parking. The construction period for Project W-2 is estimated to last approximately 4–5 months, during which parking at Esposti Park would be limited. In such cases, a temporary disruption in the availability of parking could result in potentially significant increases in parking demands.

With implementation of Mitigation Measure TR-4 impacts would be less than significant.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure TR-4: Construction Parking (DEIR pg. 3.15-13)

1. Adequate off-street parking shall be provided or designated public parking areas will be used for construction workers' personal vehicles and construction-related vehicles not in use through the construction period.
2. If use of public parking lots is required during the construction period, the smallest area feasible shall be utilized for parking and staging. Cones or temporary fencing shall be placed strategically to denote the boundaries of these occupied areas. At the end of each construction day, all personal vehicles shall vacate the premises to allow public parking until the next workday.

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Temporary parking in specifically designated areas and in numbers sufficient to serve the temporary needs for each site provides a mechanism to minimize competition for public parking space during the construction period. With the implementation of this mitigation measure, the potential impact is reduced to a less than significant level.

Impact TR-5: Conflicts with Alternative Transportation (DEIR pg. 3.15-14)

While there would be no permanent effects on public transit, bicycle, or pedestrian traffic, temporary construction activities occurring within or immediately adjacent to existing streets could disrupt public transit operations, as well as pedestrian and bicycle access to transit stops, general access along designated bike routes, and sidewalk-based pedestrian access.

Phase 1 Projects

Proposed Phase 1 Projects WM-1 and WM-11, in particular, may result in temporary lane closures of rural roads supporting Class III bikeways. In addition, the sidewalked portion of Pleasant Avenue in the vicinity of the local school may be temporarily affected by construction activities associated with Project WM-1. Temporary closures of bike routes, roads, and sidewalks could have potentially significant effects on alternative transportation.

With the implementation of Mitigation Measures TR-1, TR-2, and REC-1, described above, and Mitigation Measure TR-5 described below, impacts would be less than significant.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measures TR-1 and TR-2: see above.

Mitigation Measures REC-1: (see Impact REC-1 above)

Mitigation Measure TR-5: Alternative Transportation (DEIR pg. 3.15-14)

Public transit access and routes shall be maintained to the extent feasible. If public transit would be affected by temporary road closures and require detours, affected transit authorities shall be consulted at least 2 weeks prior to the start of construction and kept informed of construction activities.

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

Maintenance of access routes and consultation with transit providers prior to roadway disruptions would allow for adequate planning of alternate routes and detours such that transit service would not be significantly disrupted during the construction period. In addition, pre-construction public notifications, signage, and flaggers, and sidewalk considerations as stated in Mitigation Measures TR-1, TR-2, and REC-1, would be adequate to alert transit passengers and bicycle and pedestrian traffic to revised routes and hazards during construction activities. With implementation of these mitigation measures, the Program's temporary impacts on alternative transportation would be less than significant.

CUMULATIVE IMPACTS

Impact CAES-1: Degradation of Visual Character or Quality (DEIR pg. 4-8; FEIR pg. 2-27)

Construction of Program facilities would temporarily degrade the visual character or quality of scenic resources in the County. Similarly, placement of the proposed storage tanks, buildings for groundwater wells, and fencing surrounding storage tanks and wells in view of residential areas or within scenic corridors identified by County or community plans would cumulatively contribute to degradation of the visual character or quality of the County's scenic resources.

However, implementation of Mitigation Measure AES-1 and AES-2, described above, would ensure that the Program would not significantly contribute to cumulative visual impacts.

Mitigation

The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure AES-1 and AES-2: (see Impact AES-2 and AES-3 above).

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale

The identified measures provide for design consideration measures such as screening through fencing, topography or vegetation to minimize temporary visual impacts associated with the construction of the proposed facilities. In addition, the mitigation measures would ensure that the aboveground facilities would be designed to be consistent with the surrounding setting and not distract or significantly alter views of surrounding scenic resources. These design consideration measures to minimize visual impacts associated with the proposed facilities will thereby reduce the Program's potential contribution to this cumulative impact to less than considerable.

Impact CAIR-1: Emissions of ROG, NOx, PM10, and PM2.5 (DEIR pg. 4-8)

Given the nonattainment status for particulates (PM10 and PM2.5) and ozone precursors (ROG and NOx) in the SFBAAB, emissions of these contaminants is considered a significant cumulative impact. Construction of Phase 1 projects and the remaining phases of the Program would involve ground disturbance and vehicle usage that would emit both particulates and ozone precursors. Program-related emissions would not exceed significance thresholds for both project-level and cumulative impacts established by BAAQMD. Construction-related emissions for particulates would be mitigated with Mitigation Measure AQ-1 (described above).

Mitigation

The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure AQ-1: (see Impact AIR-1 above).

Findings

Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The mitigation measure identified above includes measures to minimize temporary air quality impacts associated with the construction of the proposed facilities. Therefore, with the implementation of this mitigation measure, the Program would not have a considerable contribution to this cumulative impact.

Impact CBIO-1: Effects on Biological Resources (DEIR pg. 4-9, -10; FEIR pg. 2-27)

Concurrent construction of the Program with other projects in the county could result in temporary impacts on biological resources in the Program Area. The Program and Phase 1 projects have the potential to impact a variety of biological resources, including the following:

- Special-status plant species
- Special-status avian species
- California tiger salamander
- Western pond turtle
- Foothill yellow-legged frog
- California red-legged frog
- Giuliani's Dubiraphian Riffle Beetle
- Roosting and breeding special-status bat species
- American Badger
- Special-status fish species
- Wildlife corridors and native wildlife nurseries
- Freshwater wetlands and streams
- Heritage trees
- Burrowing owl
- California linderiella
- California Freshwater Shrimp

The cumulative impacts on each of these resources under the Program (including Phase 1) would be dependent upon the timing and location of activities, as well as the timing of other projects in the general area of the Program and Phase 1 Area. Implementation of Mitigation Measures BIO-1 through BIO-24 would ensure that the Program's contribution to cumulative biological impacts is less than considerable.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure BIO-1 through BIO-24: (see Impact BIO-1 through BIO-14 above)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Mitigation Measures BIO-1 through BIO-24 prescribe a variety of measures to reduce, avoid, or compensate for impacts, including timing of construction, biological surveys, relocation of species, and compensation for lost habitat. With implementation of these measures, the Program will not make a considerable contribution to cumulative impacts related to biological resources.

Impact CN-1: Program-Related Noise Emissions (DEIR pg. 4-10)

Noise generated from past, present, and reasonably foreseeable future growth in Sonoma County is considered a potentially significant cumulative impact. Equipment used for construction of Program projects, such as excavators, dump trucks, bulldozer, paver, and other heavy equipment, would generate noise. While construction noise in any given location would be short-term, many of the projects would be constructed within 50 feet of residences or other uses that may be sensitive to noise. With the implementation of Mitigation Measure N-1 (described above), the Program is not anticipated to make a considerable contribution to cumulative impacts from noise generation.

Mitigation
The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. This measure will mitigate the above impact to a less than significant level.

Mitigation Measure N-1: (see Impact N-1 above)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
Implementation of the measure identified above would require construction contractors to employ noise reducing practices to ensure that noise from construction would not exceed applicable noise limits, and thereby minimizing construction noise levels. With implementation of this measure, the Program is not anticipated to make a considerable contribution to cumulative impacts from noise generation.

Impact CTR-1: Disruption of Automobile Traffic Patterns (DEIR pg. 4-10, -11)

Automobile traffic congestion in Sonoma County resulting from past, present, and reasonably foreseeable future growth would be considered a significant cumulative impact. Construction related to the Program would generate traffic in the form of construction vehicles, deliveries of construction materials, and worker trips. In addition, construction itself may result in temporary lane or road closures. Implementation of Mitigation Measures TR-1, TR-2, TR-3, TR-4, TR-5, and REC-1 (described above) would ensure that the Program's contribution to cumulative impacts related to traffic is less than considerable.

Mitigation
The following mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. These measures will mitigate the above impact to a less than significant level.

Mitigation Measure REC-1: (see Impact Rec-1 above)

Mitigation Measure TR-1 through TR-5: (see Impact TR-1 through TR-5 above)

Findings
Changes or alterations have been required in, or incorporated into, the Program that avoid or substantially lessen the significant effect identified in the EIR.

Rationale
The identified mitigation measures would be employed to minimize effects on traffic, including scheduling of work, advanced public notification for anticipated roadway closures, coordination with appropriate agencies, and implementation of appropriate traffic detours, warnings, and signage. Traffic effects in any given location would be short-term and related to the construction period. Such measures provide mechanisms for construction traffic and activities to minimize competition with local traffic and emergency response vehicles for roadway space during the construction period. The measures will also be adequate to alert trail, bike, pedestrian and transit travelers to revised routes and hazards during construction activities. Therefore, with the implementation of these measures the Program is not anticipated to make a considerable contribution to cumulative impacts related to traffic.

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EXHIBIT B

Alternatives Findings

Introduction

The California Environmental Quality Act (CEQA) requires than an Environmental Impact Report (EIR) "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project..." (CEQA Guidelines Section 15126.6(a)). If a project alternative will substantially lessen the significant environmental effects of a proposed project, the decision-maker should not approve the proposed project unless it determines that specific economic, legal, social, technological, or other considerations, make the project alternative infeasible" (CEQA Section 21002, CEQA Guidelines Section 15091 (a)(3)). The EIR for the Town of Windsor 2009 Water Master Plan Program Update (the Program) evaluated alternative approaches to accomplishing the objectives of the Program. The findings with respect to the alternatives identified in the EIR are set forth below.

Project Objectives

CEQA requires the EIR to describe a reasonable range of feasible alternatives to a project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen significant environmental impacts of the project.

The 2009 WMP Update has several objectives that were considered in selecting a range of alternatives to evaluate:

- Upgrade and maintain water distribution to meet regulatory and Town-specified criteria for fire protection and delivery at safe and proper pressures;
- Provide water system storage for normal and fire-flow conditions;
- Meet demand reliably, while the largest well/tank/pump is out of service;
- Upgrade facilities to fix deficiencies in already developed areas;
- Diversify water supplies to meet varied weather and regulatory conditions;
- Meet current and future demands with less capital-intensive facilities that can be phased incrementally;
- Meet demands while sustaining surface water resources in the Russian River and groundwater resources in the local basin;
- Maintain sustainable water supply while minimizing impacts on natural resources, consistent with the California Global Warming Solutions Act of 2006 (AB 32);
- Provide orderly and efficient service within the Urban Growth Boundary based on current development characteristics, potential future growth, and availability of public services; and
- Provide water service outside of the Urban Growth Boundary consistent with existing agreements.

Alternatives Evaluated in the EIR

Alternatives to the 2009 WMP Update were considered at two scales: (1) alternatives to the Program as a whole, and (2) alternative methods to implement Phase 1 of the Program. The alternatives provide a variety of program actions to meet water demands. Program alternatives evaluated considered fulfilling future water demands by obtaining water supplies from alternative sources or implementing additional demand reduction actions. Other programmatic alternatives generally include the same components as the Proposed Program; however, the scope of facilities would be altered to address different demand assumptions.

The following alternatives were considered because they meet most of the Program objectives, are potentially feasible, and avoid or substantially reduce one or more significant impacts of the Proposed Program:

- No Program Alternative
- Programmatic Alternatives:
  - Increased Groundwater Withdrawal Alternative
  - Demand Management Alternative
  - Alternative Based on Different Demand Assumptions
    - Low Density Alternative
    - Compact Land Use Alternative
- Phase 1 Project Alternatives
  - Hiram Lewis Well Alternative

No Project Alternative (DEIR p. 5-4, -5)

The purpose of describing and analyzing a No Program Alternative is to allow decision makers the opportunity to compare the impacts of approving the proposed Program with the impacts of not approving the proposed Program. The No Program Alternative represents ongoing activities and operations as outlined in the State CEQA Guidelines, Section 15126.6(e), as "a condition that would be reasonably expected to occur if the project were not approved," based on current plans and consistent with available infrastructure and community services.

Under the No Program Alternative, only water supply infrastructure that was proposed and evaluated under the 2000 WMP would be constructed. The 2000 WMP recommended 13 CIP projects. As discussed in the EIR seven projects identified in the 2000 WMP have yet to be developed and are included in the proposed Program. Those projects from the 2000 WMP that have been revised in the 2009 WMP Update (e.g., ST-1) would be constructed as conceived in the 2000 WMP. In addition, a 10-inch production meter at the RRWF would be replaced with a 12-inch magnetic meter with remote meter head. Other capital improvement projects proposed in Phases 1–4 of the program would not be developed, and the Managed Groundwater Program (MGP) would not be implemented. Additionally, no future changes in demand from conservation would occur beyond existing conservation programs and those outlined in the 2000 WMP.

Environmental Impacts

Under the No Program Alternative, reduced impacts would likely result from operation and permanent placement of structures because fewer projects would be developed. As such, this alternative may result in reduced impacts related to temporary alteration of visual resources, traffic

on local roadways, air emissions, and noise from construction equipment; disturbance of unknown cultural resources; water quality degradation; release of hazardous materials from existing contaminated sites; and biological resources. In addition, potential impacts on previously identified cultural resources would be avoided because Project WM-11 would not be developed. All remaining potential impacts from construction (including those identified for geology and recreation) would occur as described for the proposed Program.

This alternative however, would not avoid the Proposed Program significant unavoidable growth inducing impact because it would still remove an obstacle to substantial population growth, as the key facilities required to increase water supply (tanks and wells) would still be constructed. Furthermore, the No Program Alternative would result in increased groundwater pumping and a corresponding increase in energy use to meet supply demands and service needs, and would therefore have a greater impact on energy resources.

Findings
The No Program Alternative would avoid the potential cultural resources impacts associated with the development of project WM-11 and would have a slightly reduced construction-related impact on several resource areas due to a shorter construction period and fewer planned infrastructure projects. However the No Project Alternative would not avoid the Program's significant unavoidable growth inducing impacts. This alternative would also not meet the primary project objectives that focus on providing a long-term water supply and distribution system capable of meeting current and future demands for the following reasons:

- Water demands under the No Program Alternative would be based on land use assumptions presented in the 2000 WMP, which were based on the Town's General Plan 2015, but do not reflect current development characteristics or water conservation efforts.
- Implementation of the No Program Alternative would result in water supply and distribution reliability deficiencies that would constrain water services under maximum-day demand conditions beginning in 2015, and would thus not meet the project objectives of meeting regulatory and Town-specified criteria for fire protection and meeting demand reliably.
- This alternative would not incorporate sustainable groundwater management opportunities, and thus the No Program Alternative would not achieve the objective of meeting demands while sustaining groundwater resources in the local basin..
- Implementation of the No Program Alternative would not meet the objective of meeting demand with less capital-intensive facilities that can be phased incrementally. Instead, it would result in the need for additional future capital improvements and/or conservation and curtailment to address anticipated future water demands beyond 2015.

For the above reasons, and as further documented in the record, the No Program Alternative is not a feasible alternative and is hereby rejected.

Increased Groundwater Withdrawals, No New Russian River Extraction (Supply) Alternative (DEIR p. 5-5, -6)

The Supply Alternative focuses on increased groundwater withdrawals in place of high-flow (winter month) extractions from the Russian River, as proposed in the Managed Groundwater

Program (MGP) included in the WMP Update. This alternative would fulfill the Town's short-term and long-term supply goals through use of groundwater and thus eliminate the Town's need to secure additional water rights to the Russian River. The proposed MGP would change in scope to involve management of groundwater withdrawals and natural recharge, as opposed to management of withdrawals and recharge with Russian River water.

Environmental Impacts

The Supply Alternative would not change the facilities proposed under the Program. As such construction-related impacts would remain generally similar to those for the proposed Program. Mitigation measures identified for the Program would apply to this alternative as well. However, since the same key water supply facilities would be constructed under the Supply Alternative, this alternative would not avoid the Proposed Program's significant unavoidable growth inducing impact.

Furthermore, under the Supply Alternative, future needs would be met through groundwater only. Increased groundwater pumping would result in increased energy use and may result in localized drawdown of the groundwater table, resulting in unsustainable/overdraft conditions and potential consequences to other users of the aquifer. If pumping resulted in overdraft conditions, energy use associated with pumping would increase over time, as pumps would require more energy to lift water from deeper within the aquifer. The groundwater overdraft and increased energy use for pumping would be potentially significant unavoidable impacts for which no mitigation is available.

Findings

The Supply Alternative would not avoid the Program's significant unavoidable growth inducing impact and would result in greater impacts compared to the Program as follows:

- Increased groundwater pumping under the Supply Alternative could result in localized drawdown of the groundwater table, resulting in unsustainable/overdraft conditions and potentially significant unavoidable impacts to other users of the aquifer. This would be a potentially significant impact for which no mitigation is available.
- The Supply Alternative could result in a potentially significant unavoidable impact on energy resources associated with increased groundwater pumping. This would be a potentially significant unavoidable impact for which no mitigation is available.

In addition, the Supply Alternative does not meet the following Program objectives.

- Without groundwater recharge and storage capabilities, the Town would have reduced flexibility to address seasonal demands compared with the Proposed Program, as a result of variable natural groundwater recharge.
- The Supply Alternative relies on groundwater to meet future water demand and would not meet Program objectives of diversifying water supplies.
- This alternative would not maintain sustainable groundwater resources and would result in localized overdraft.
- Because increased groundwater pumping is not sustainable and would have unavoidable impacts on energy resources this Supply Alternative is not consistent with the objective of maintaining a sustainable water supply while minimizing impacts on natural resources, consistent with the California Global Warming Solutions Act of 2006.

For the above reasons, and as further documented in the record, the Supply Alternative is not a feasible alternative that would reduce the Program's significant and unavoidable impacts and is hereby rejected.

Demand Management Alternative (DEIR p. 5-6, -7)

While the Supply Alternative focuses on meeting future water needs with alternative water sources, the Demand Management Alternative would reduce future water needs, compared with the Proposed Program, through more extensive water recycling and conservation actions. The Demand Management Alternative would result in a reduced water demand of 0.18 MGD at buildout, compared with the Proposed Program average-day demand of _6.36 MGD. This change in demand would not result in a reduction of facilities needed compared to the Proposed Program. The reduced demand included in this alternative would, however, extend the program implementation timeline such that facilities would not be needed as soon.

In addition to the facilities proposed in the Program, implementing this alternative would potentially require construction and operation of additional recycled water storage facilities and transmission pipelines to agricultural areas outside of the urban boundary. Overall, this alternative would result in less energy use compared to the Proposed Program.

Environmental Impacts

Under the Demand Management Alternative, construction activities included in the Proposed Program would potentially occur to a slightly lesser extent given the extended timeline to meet demand. However, new construction activities could potentially be required for additional recycled water storage facilities and transmission pipelines. For projects included in the Proposed Program, this alternative would potentially result in slightly reduced construction impacts related to temporary alteration of visual resources, traffic on local roadways, air emissions and noise from construction equipment, disturbance of unknown cultural resources, water quality degradation, release of hazardous materials from existing contaminated sites, and biological resources.

However, this alternative would require the development of storage and transmission facilities for recycled water beyond that which is described for the proposed Program. Further study would be needed to determine where these facilities would be located, but locations would be outside of those evaluated for the facilities to be constructed under proposed Program. Construction and operation of these facilities would be required to undergo further environmental review, but would be anticipated to result in potential impacts similar to those for the Proposed Program. New impacts would potentially be related to aesthetics from placement of new structures, conversion of agricultural lands, land use incompatibilities, disturbance of unknown cultural resources, water quality degradation, and impacts on sensitive biological resources. Similar to the Proposed Program, mitigation measures would be implemented as part of this alternative to the extent feasible. Potential impacts from operation and permanent placement of facilities would occur as described for the Proposed Program, including significant unavoidable growth inducing impacts.

Findings

Although reduced future water demands under the Demand Management Alternative could result in the need to secure a slightly reduced quantity of water rights for additional supplies from the Russian River during high-flow periods, it would not reduce or avoid the Program's significant and unavoidable growth impact. In addition, this alternative would result in greater construction and operation-related impacts associated with the development of additional storage and transmission facilities.

For the above reasons, and as further documented in the record, the Demand Alternative is not a feasible alternative that would reduce the Program's significant and unavoidable impacts and is hereby rejected.

Low Density Alternative (DEIR p. 5-8, -9)

Similar to the Demand Management Alternative, the Low Density Alternative assumes a reduction in per capita water use by 2020, resulting from new and expanded conservation programs. In addition, this alternative estimates future water demand at buildout of the proposed Program (year 2040), based on the assumption that currently undeveloped residential parcels would be constructed under a reduced DU-density build-out scenario, compared with the proposed Program.

Under the Low Density Alternative, reduced future water demands would result in the need to secure a reduced quantity of water rights for additional supplies from the Russian River during high-flow periods. With reduced future water demands, future needs for water infrastructure capacity would correspondingly decrease, which would potentially result in the development of fewer supply, storage, and distribution facilities than the proposed Program.

Environmental Impacts

Under the Low Density Alternative, construction activities would occur similarly to the Proposed Program, but to a reduced extent. Therefore, construction impacts would be similar in nature to the Proposed Program but would likely be reduced in intensity for the following resource areas: aesthetics, traffic, air quality, noise, cultural resources, water quality, hazardous materials, energy use, and biological resources. However, all remaining potential impacts from construction (including those identified geology and recreation) would occur as described for the Proposed Program.

Under this alternative, all potential impacts from long-operation and placement of facilities would occur as described for the proposed Program. Similar to the proposed Program, growth inducement would remain a significant unavoidable impact under the Low Density Alternative. While this alternative would reduce the number of potential new dwelling units by approximately half compared to the proposed Program, the remaining potential would still be substantial.

Findings

This alternative could result in slightly reduced construction-related impacts as a result of reduced future water demands. However, the analysis for the Program indicates that all of these construction-related effects would be mitigated to a less-than-significant level. And while this alternative would reduce the number of potential new dwelling units, it would not avoid or reduce the Program's significant unavoidable growth impacts to less than significance.

This alternative would require many of the proposed Program facilities, but they would serve substantially fewer future dwelling units – 2,600 fewer than the 5,685 new dwelling units that are projected under the mid-range density assumed for the Program. Assuming development at lower densities, this alternative would be inconsistent with project objectives to minimize impacts on natural resources, consistent with AB 32. Rather than encouraging more compact infill, town-centered planned growth, this alternative could encourage pressure on the Town's established growth boundaries to accommodate growth anticipated under the current General Plan.

For the above reasons, and as further documented in the record, the Low Density Alternative is not a feasible alternative and is hereby rejected.

Compact Land Use Alternative (DEIR p. 5-9, -10)

Similar to the Demand Management Alternative, the Compact Land Use Alternative assumes a 10% reduction in per capita water use by 2020, resulting from new and expanded conservation programs. In addition, this alternative estimates future water demand at buildout of the proposed Program (year 2040), based on the assumption that currently undeveloped residential parcels would be constructed under a higher range DU-density build-out scenario with more higher-density multi-family housing than single-family housing as compared with the proposed Program. The increased density of development would accommodate general plan buildout in a smaller overall development footprint. The more compact development pattern is expected to result in lower per capita water use associated with less outdoor landscape watering. Water demand is thus expected to be the same as with the Proposed Program.

Environmental Impacts
Under the Compact Land Use Alternative, construction activities would occur similarly to the Proposed Program. Thus, this alternative would result in similar construction impacts. As with the Proposed Program, mitigation measures would be implemented as part of this alternative, which would mitigate all of these impacts to a less than significant level.

Likewise, growth inducement effects would also be the same under the Compact Land Use Alternative, based on the same amount of anticipated new development at general plan buildout, albeit in a smaller overall development footprint compared with the Proposed Program. All remaining potential impacts from operation and permanent placement of facilities would occur as described for the Proposed Program.

Findings
While this alternative anticipates general plan buildout in a smaller overall development footprint, no significant changes in water demand would result. As such, environmental effects of the Compact Land Use Alternative would remain largely similar to that of the Program, including significant unavoidable growth impacts. This alternative would likely require implementing policies to ensure that development is proposed and reviewed at higher densities.

For the above reasons, and as further documented in the record, the Compact Land Use Alternative is not a feasible alternative that would reduce the Program's significant and unavoidable impacts and is hereby rejected.

Phase 1 Project Alternative (DEIR p. 5-10)

Under this alternative, the Project W-3 groundwater well at Hiram Lewis Park would be constructed in Phase 1 instead of Phase 2.

Environmental Impacts
Under this alternative, the time-frame of construction would be shifted such that impacts at the Hiram Lewis Park site would occur at an earlier time than anticipated under the proposed Program. Correspondingly, effects at the Bluebird and Esposti Park sites would be delayed until Phase 2 under this Alternative. Despite this change in phasing, all environmental effects would remain as described for the proposed Program.

Findings

Overall, the Phase 1 Project Alternative would implement the same facilities of the Program though in an alternative phasing scheme. As such, environmental effects of this alternative would remain largely similar to that of the Program, including significant unavoidable growth inducing impacts.

For the above reasons, and as further documented in the record, the Phase 1 Project Alternative is not a feasible alternative that would reduce the Program's significant and unavoidable impacts and is hereby rejected.

Evaluation of Other Project Alternatives

Chapter 5 of the Draft EIR also identified alternatives to the Program that were initially considered but removed from further consideration because they did not meet the Program objectives or were determined to be infeasible (Draft EIR, pp 5-10 to 5-11). These include Reduced Phasing Alternative and Delayed Alternative, as summarized below. Pursuant to CEQA Guidelines 15126.6 (c), the Draft EIR explains the reasons these alternatives were not further analyzed.

Reduced Phasing Alternative

As noted in the Draft EIR, this alternative considered the construction of the proposed Program in two phases by 2020, instead of in four phases with gradual implementation of the program by 2040. The proposed projects in Phases 3 and 4 of the Proposed Program, for example, would be constructed earlier than 2020 in anticipation of future growth in the service area. Consolidating construction activities within the build-out period would consolidate and decrease the duration in which environmental impacts would occur. However, because water facilities are commonly constructed as development progresses (development pays for the facilities), the Town would have to pre-pay for the construction costs. In consideration of budget constraints, this alternative was considered infeasible and was not further analyzed in the Draft EIR.

Delayed Alternative

This alternative considered delaying construction of the recommended proposed Program until the 2020–2040 timeframe (Phase 4 of the proposed Program). Construction of proposed improvement projects would not commence until all funding was secured and buildout was imminent. This alternative would dramatically reduce the number of construction events, compared with the proposed Program. Under this alternative, water supply deficiencies would be addressed after demands are realized, as opposed to in anticipation of future demands. Potential environmental impacts of this alternative would be reduced, compared with the proposed Program, owing to the reduced number of construction events and the potential secondary effect of altering the rate of development resulting from lack of available water supply and service connections between 2010 and 2020. The Town's obligation to provide reliable water supply for users within the service area, including service agreements for outlying areas, may not be met during the 2010–2020 timeframe, particularly for maximum-day demands. The reason this is alternative was not further analyzed is because it would not sufficiently meet the program objectives.

EXHIBIT C

Statement of Overriding Considerations

Section 15093 of the California Environmental Quality Act (CEQA) Guidelines establishes the following requirements for a Statement of Overriding Considerations:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are then identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

Pursuant to the CEQA Guidelines Section 15093, the Town Council adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the 2009 Water Master Plan Update (the Program) and the anticipated economic, legal, social, technological, environmental, and other benefits of the Program.

In approving the Program, the Town Council has weighed the benefits of the Program against the adverse impacts identified in the Environmental Impact Report (EIR) as significant and potentially significant that have not been avoided or substantially lessened through mitigation to a level of less than significant. The Town Council hereby determines that the benefits of the Program outweigh the unmitigated adverse impact and the Program should be approved. The Town Council finds that to the extent that the identified significant or potentially significant adverse impacts have not been avoided or substantially lessened, there are specific economic, legal, social, technological, or other considerations which support approval of the Program.

Unavoidable Significant Adverse Impacts

The Town Council has determined that the 2009 Water Master Plan Update would cause significant unavoidable growth impacts because it would remove an obstacle to growth, as disclosed in the EIR. This impact is described below.

Impact POP-2: Potential to Induce Substantial Population Growth

The proposed Program would expand and improve the water supply system and remove an obstacle to future planned development and population growth within the service area. This development would occur in accordance with the Town and County general plans and thus would not result in unplanned or disorderly growth, but would nevertheless be substantial. As such, the proposed Program is considered significantly growth-inducing. Policies contained in the Town and

County General Plans would reduce the secondary environmental effects of growth, but they would not eliminate growth. Similarly, future individual development projects would be required to comply with CEQA, which may result in further mitigation for growth and its effects, but that growth would still be enabled by the Program. No feasible mitigation can be identified, thus the growth inducing impact is considered significant and unavoidable.

As described in Exhibit B: Alternatives Findings, none of the Program Alternatives would avoid or reduce this growth-inducing impact to a level of less-than-significant, as all would provide additional infrastructure or water supply to meet future demands.

Adoption of Overriding Considerations

The Town Council adopts these Overriding Considerations and finds that a) as part of the approval, the Program has eliminated or substantially lessened all significant effects on the environment where feasible; and b) the remaining significant unavoidable growth inducing impact of the Program identified in the EIR is acceptable in light of the environmental, economic, legal, social, technological, and other considerations set forth herein, because the benefits of the Program outweigh the significant and adverse impacts of the Program, as noted below.

The Town Council finds that the each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Program outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Program. These matters are supported by substantial evidence in the record that includes, but is not limited to the EIR, staff reports and analyses, oral and written testimony, and other documents referenced in this Statement of Overriding Considerations and its adopting Resolution.

Benefits of the 2009 Water Master Plan Update Program

The Program cannot be implemented in a way that accomplishes the basic program objectives, but without removing an obstacle to growth. The Town Council finds that the following economic, legal, social, technological or other benefits of the Program outweigh its unavoidable environmental impacts.

A. The Program will accomplish all of its intended objectives, as follows.

1. Upgrade and maintain water distribution to meet regulatory and Town-specified criteria for fire protection and delivery at safe and proper pressures;
2. Provide water system storage for normal and fire-flow conditions;
3. Meet demand reliably, while the largest well/tank/pump is out of service;
4. Upgrade facilities to fix deficiencies in already developed areas;
5. Diversify water supplies to meet varied weather and regulatory conditions;
6. Meet current and future demands with less capital-intensive facilities, which can be phased incrementally;
7. Meet demands while sustaining surface water resources in the Russian River and groundwater resources in the local basin;

8. Maintain sustainable water supply while minimizing impacts to natural resources, consistent with the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32);
9. Provide orderly and efficient service within the Urban Growth Boundary, based upon current development characteristics; potential future growth; and availability of public services; and
10. Provide water service outside of the Urban Growth Boundary consistent with existing agreements.

B. The Program will provide job opportunities for local workers during construction of the Program facilities

C. The Program ensures that water supply will meet demand, consistent with the Town's policies on concurrency between growth and infrastructure.

D. The Program is consistent with recent and current development trends favoring efficient infill within the Town's existing growth boundaries, while still meeting general plan land use objectives.

Conclusion

The Town Council has considered the public record of proceedings on the Program, and has weighed the above benefits of the Program against the unavoidable and adverse population impacts identified in the EIR. The Town Council hereby determines that these benefits outweigh the environmental impacts, and further determines that these environmental impacts are acceptable.

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