



**CEQA Findings of Fact**  
**Public Works Integrated Master Plan**  
**Final Programmatic Environmental Impact Report**  
(SCH #: 2016071078)

**October 2019**



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## 1.0 Introduction

A Programmatic environmental impact report (PEIR) was prepared for the City of Oxnard's (City) proposed Public Works Integrated Master Plan (PWIMP, Project and/or Proposed Project) and circulated for a 45-day public review to solicit agency and public input on the analysis of the potential environmental effects associated with construction and operation of the Project. The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the Proposed Project that are described and analyzed within the Final PEIR. These Findings have been made pursuant to California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Sections 21081 and 21081.6, as well as the CEQA Guidelines (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the City of Oxnard (City) as the Lead Agency for this Project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under CEQA Guidelines Section 15091(a) are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR.

Further, in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the City as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the lead agency must adopt a formal statement of overriding considerations.

The Final EIR identified potentially significant environmental effects that could result from construction and implementation of the Proposed Project. Those effects were related to biological resources (sensitive vegetation communities), paleontological resources, and noise (noise standards and temporary noise), which would be reduced to below a level of significance. A significant unmitigable impact of indirectly contributing to planned and approved growth as consistent with the City's General Plan was identified and thus a statement of overriding considerations is required.

## 2.0 Project Goals and Objectives

The PWIMP provides a phased program for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities<sup>1</sup>. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a streets

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<sup>1</sup> The City does not have a separate Stormwater Utility and shares responsibility with the County of Ventura, which oversees and manages the major canal systems.



plan in an attempt to allow timing of future streets upgrades to be tied together with infrastructure upgrades.

### 3.0 Project Description

As described in Chapter 2, Project Description of the Draft PEIR, the PWIMP establishes how the City's water, recycled water, wastewater, and stormwater systems would be upgraded and expanded in the coming years to meet the City's anticipated demands through build-out of the City's 2030 General Plan.

### 4.0 Programmatic Nature of the Draft PEIR

As described in Chapter 2, Project Description and above, the PWIMP establishes how the City's water, recycled water, wastewater, and stormwater systems would be upgraded and expanded in the coming years to meet the City's anticipated demands through build-out of the City's 2030 General Plan. However, the design details, final options, and the timing of the project-level projects are not precisely known at this time and will likely change significantly. As such, the environmental impact analysis has been prepared at a programmatic level of detail as it addresses the full range of potential environmental effects associated with implementation of the PWIMP, but in some cases the analysis is general and more qualitative than quantitative. This approach is consistent with the State CEQA Guidelines provisions for a Program EIR, as described in Section 15168, which suggests that the level of detail is dictated by "ripeness"; detailed analysis should be reserved for issues that are ripe for consideration.

It is expected that each of the future project-level projects within the PWIMP will require further environmental and project-level analysis to be compliant with CEQA. These future project-level projects would tier off of this document for the full range of direct, indirect, cumulative, and growth inducing impacts. Depending on the type, location, timing, and potential environmental impacts of these future project-level projects, CEQA compliance can be achieved by a combination of individual project specific Addendums, Categorical Exemptions, Initial Study/Mitigated negative Declarations, and/or focused EIRs.

### 5.0 Findings of Fact

Having received, reviewed, and considered the information in the Final PEIR for this Project, as well as the supporting administrative record, the City hereby makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

#### 5.1 Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis contained within the Final EIR, it was determined that the Proposed Project would not result in a potential significant effect on the environment with respect to agricultural and soil resources; mineral resources; population and housing; public services; recreation; socioeconomics; utilities and service systems; and direct growth inducing effects. A summary of the reasons for this determination can be found in Chapter 3, 5, and 6 the Draft PEIR. No further findings are required for these subject areas.

#### 5.2 Findings for Significant but Mitigated Effects

The following findings have been made for the significant environmental effects identified in the EIR related to aesthetics/visual resources; air quality; biological resources; climate change and greenhouse gases; cultural, paleontological, and tribal resources; geology, seismic, and soils; hazards and hazardous wastes; hydrology, water quality, and water utilities; land use planning, noise; traffic and transportation; and cumulative effects.



## Aesthetics/Visual Resources

Implementation of the PWIMP and/or individual PWIMP projects could result in temporary potentially significant impacts to aesthetic resources as follows:

**Impact 3.1-2: Permanent facilities could have an adverse effect on scenic vistas, damage scenic resources, or degrade the existing visual character or quality of the site and its surroundings.**

**Impact 3.1-3: Exterior lighting associated with proposed facilities would create new sources of light and glare in the surrounding areas.**

### *Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

### *Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.1-2a: Blend in with the Existing Environment.** The City shall implement architectural features into the facility(s) design so they complement the building styles of the community and minimize visual mass. Exterior finishes should avoid reflective surfaces. Colors for larger visible tanks and structures should be earth tones to reduce contrasts with the ground plain and increase compatibility with the visual setting. Primary structures should combine multiple complementary colors such in ranges of browns, tans, greys, greens, or other colors agreed upon with the appropriate permitting agency.

**Mitigation Measure 3.1-2b: Fencing.** The City shall design fencing to be minimally intrusive to the community yet complementary to the architectural character of the facility and the community. Fencing will be coordinated with landscaping and facility design to help further enhance the local aesthetics and to blend the facility with the surrounding community and/or natural setting. Vegetative screening using native plants, trees or shrubs will be used if it is not out of character with the site setting, and walled perimeters will be avoided in natural settings to minimize the dominance of structures in the scene.

**Mitigation Measure 3.1-3a: Shielded Lighting.** To ensure that the project's exterior lighting does not spill over onto the adjacent uses, all exterior light fixtures, including street lighting, shall be shielded or directed away from adjoining uses.

**Mitigation Measure 3.1-3b: Security Lighting.** Outdoor light intensity shall be limited to that necessary for adequate security and safety. All outside lighting shall be directed to prevent spillage onto adjacent properties and shall be shown on the site plan and elevations.

### *Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental effects to aesthetics/visual resources would be reduced to less-than-significant.

## Air Quality

Implementation of the PWIMP and/or individual PWIMP projects could result in temporary potentially significant impacts to air quality as follows:

**Impact 3.3-2: Construction and operation of the PWIMP and/or identified facilities could violate any federal or state air quality standard or contribute substantially to an existing or projected air quality standard violation.**

***Finding:***

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

***Mitigation Measures:***

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.3-2a: Calculate Air Emissions.** For each individual or group of PWIMP projects to be constructed, the City shall calculate air quality emissions using an appropriate air emissions computer program, as appropriate. VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in **Mitigation Measure 3.3-2b** below.

**Mitigation Measure 3.3-2b: Construction Emissions Control Plan.** For each individual or group of PWIMP projects to be constructed, the City shall prepare a Construction Emissions Control Plan that outlines an approach for phasing construction activities to ensure that daily construction emissions do not exceed the VCAPCD's significance thresholds for construction activities. The plan shall be submitted to the VCAPCD for review and approval at least 30 days prior to the estimated start of construction activities. The City shall require the approved plan to be implemented during all construction activities by including the approved plan in construction contracts. The plan shall include, at a minimum, a detailed description of the construction equipment inventory and use requirements for each component of the project, including daily activity phasing. The plan shall include documentation that the equipment used to construct the project(s) is properly maintained and shall include the maintenance schedule of the equipment, consistent with manufacturers' specifications. To ensure that emissions remain below VCAPCD's daily significance threshold of 25 pounds per day of ROC and NO<sub>x</sub>, the plan shall be designed to achieve emission levels that are no higher than 22.5 pounds per day of ROC and NO<sub>x</sub> (i.e., 90 percent of the daily threshold). All aspects of construction activity, including but not limited to truck trips per day, miles per trip, miles of dirt road travel per day, daily equipment inventories, equipment hours, and amounts of total areas and volumes of material to be disturbed shall be clearly defined in the plan and implemented in the field so that it can be determined by a third party construction monitor that the agreed upon plan is adequately implemented.

**Mitigation Measure 3.3-2c: Construction Fugitive Dust Control Plan.** For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable, require its construction contractor(s) to implement a dust control plan that shall include a minimum of the following dust control measures.

- The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.

- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
- Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
  - All trucks shall be required to cover their loads as required by California Vehicle Code §23114.
  - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
- Graded and/or excavated inactive areas of the construction site shall be monitored by the City (or designee) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.
- Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with the Ventura County APCD in determining when winds are excessive.
- Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
- Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.

**Mitigation Measure 3.3-2d: San Joaquin Valley Fever Prevention Plan.** For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement a San Joaquin Valley Fever Prevention Plan that shall include a minimum of the following measures.

- Restrict employment to persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection).
- Hire crews from local populations where possible, since it is more likely that they have been previously exposed to the fungus and are therefore immune.
- Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.
- Require that the cabs of grading and construction equipment be air-conditioned.



- Require crews to work upwind from excavation sites.
- Pave construction roads.
- Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.

During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with environmentally-safe dust control agents.

**Mitigation Measure 3.3-2e: ROC and NOx Construction Measures.** For each individual or group of PWIMP projects to be constructed, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.

Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

#### **Significance after Mitigation:**

With the incorporation of the above mitigation measures, significant environmental effects to air quality would be reduced to less-than-significant.

#### **Biological Resources**

Implementation of the PWIMP could result in temporary potentially significant impacts to biological resources as follows:

**Impact 3.4-1: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

**Impact 3.4-2: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations adopted by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

**Impact 3.4-3: Construction and operation of the PWIMP and/or identified components/facilities could have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, and coastal wetlands) through direct removal, filling, hydrological interruption, or other means.**

**Impact 3.4-4: Construction and operation of the PWIMP and/or identified components/facilities could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

**Finding:**

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

**Mitigation Measures:**

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.4-1a: Conduct Pre-construction Biological Survey(s).** For each individual or group of PWIMP projects to be constructed, the City shall have the project site and area screen by a qualified biologist to determine whether biological resources may be affected by construction activities. In the event further investigation is necessary, the City will comply with all requirements for investigation, analysis and protection of biological resources. The biologist will review standard information sources to determine special status species with the potential to occur on the project site. The biologist would carry out a site survey by walking or driving over the project site, as appropriate, to note the general resources and whether any habitat for special-status species is present. The biologist would then document the survey with a brief letter report or memo, setting forth the date of the visit, whether habitat for special-status species is present, providing a map or description showing where sensitive areas exist within the site, and identifying any appropriate avoidance measures.

**Mitigation Measure 3.4-2a: Avoid Construction Impacts on Riparian Habitat.** PWIMP Project facilities and construction activities shall be designed in a manner that avoids and/or minimizes impacts on riparian habitats to the maximum extent feasible. Temporary disturbance and/or permanent loss of riparian habitat requires a Streambed Alteration Agreement from the California Department of Fish and Game (CDFW) and ESA Section 7 or 10 consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) if there is a potential impact to listed species or critical habitat.

Unavoidable impacts on riparian habitat shall be formally assessed to satisfy the requirements of the CDFW 1601 Streambed Alteration Agreement and federal consultation, which typically include compensatory mitigation. Acceptable riparian mitigation ratios shall be based on habitat quality characteristics, such as vegetation structure and complexity, that correspond to fish and wildlife habitat value. Impact ratios of 3:1, 2:1, and 1:1 shall be applied for impacts on high-, medium-, and low-quality habitats, respectively:

- *High-Quality Habitat* – Native overstory with continuous understory or occurring in dense thickets; dense native overstory with sparse, non-native, or no understory; and native willow thicket.
- *Medium Quality Habitat* – Sparse native overstory with sparse, non-native, or no understory; non-native overstory with native understory; and dense non-native overstory with sparse, non-native, or no understory.
- *Low Quality* – Sparse non-native overstory with sparse, non-native, or no understory; and any areas not included in the medium- or high-quality habitats that will be covered with riprap, gabions, etc. (e.g., ruderal habitat and bare ground).

Furthermore, impacts from encroachment into riparian buffer zones may be considered significant. Appropriate riparian setbacks can be as great as 100-feet and are assessed on a case-by-case basis.

A Riparian Restoration Plan shall be prepared by the City and approved by the USFWS, NMFS, and CDFW as appropriate.

**Mitigation Measure 3.4-2b: Avoid Construction Impacts on Critical Habitats.** The USFWS and CDFW indicated that the PWIMP Study Area overlaps critical habitat for Southwestern Willow Flycatcher, Ventura Marsh Milk-vetch, and Western Snowy Plover habitat. In addition, the PWIMP facilities could also disturb other migratory birds within the area. As a result, and in conjunction with **Mitigation Measure 3.4-1a** above, construction activities for new facilities and conveyance systems shall be sited in a manner that avoids sensitive upland habitats to the maximum extent feasible. Sensitive upland habitats shall be preserved where possible through facility siting within degraded or non-native vegetation. Sensitive areas shall be flagged for avoidance to minimize the possibility of inadvertent encroachment during construction. Construction staff shall be educated on the sensitive habitats located within and adjacent to the Project's footprint, and a biological monitor shall be present to ensure compliance with off-limits areas.

When avoidance is not feasible during construction activities; sensitive upland habitats temporarily disturbed during construction activities shall be quantified and appropriate restoration strategies shall be set forth in a Habitat Restoration Plan which shall be developed in consultation with the USFWS and the CDFW. The Plan shall include the following elements: specific location of restoration site, details on soil preparation, seed collection, planting, maintenance, and monitoring, and quantitative success criteria. At a minimum, temporarily disturbed areas shall be restored by the Applicant to the natural (preconstruction) conditions, which may include the following actions: salvage and stockpiling of topsoil from maritime chaparral, central dune scrub, and oak woodland; re-grading of disturbed sites with salvaged topsoil; and re-vegetation with native, locally collected species.

Where restoration is not feasible (i.e., the impact is permanent), the City shall purchase and/or preserve similar undisturbed habitat off-site, or restore nearby disturbed areas at a ratio to be determined by the USFWS, CDFW, and other responsible resource agencies with jurisdiction over the project area.

**Mitigation Measure 3.4-3a: Avoid Federally Protected Wetlands and Waters of the U.S.** In conjunction with **Mitigation Measure 3.4-1a** above, the City shall implement the following measures for those PWIMP facilities sited on or adjacent to wetlands.

- The PWIMP project facilities shall avoid areas of potentially jurisdictional wetland habitats to the maximum extent feasible through Project siting and construction avoidance. The project shall implement Best Management Practices<sup>2</sup> during construction to minimize impacts associated with erosion and sediment deposition into wetland and aquatic habitats. Temporary disturbance and/or permanent loss of wetlands or other waters of the U.S. require permits from both the U.S. Army Corps of Engineers (USACE) and (for areas within the Coastal Zone) the California Coastal Commission (CCC) as well as the Regional Water Quality Control Board (RWQCB).
- A wetland delineation per the USACE Wetland Delineation Manual, and using the one-parameter approach in areas within the Coastal Zone, shall be conducted prior to construction.
- A delineation report shall be prepared and submitted to the USACE and CCC for verification, and approval. Through this process, final calculations of wetland area present in the Project area would be obtained for Project permitting. In addition, plans for proposed alteration to any watercourse shall be submitted to the CDFW for review.

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<sup>2</sup> Best Management Practices are subject to review and approval, and may be expected to include BMPs as described in Caltrans Caltrans Storm Water Quality Handbooks; *Construction Site Best Management Practices Manual*.



- The wetland habitat that would be lost under any given project element shall be functionally replaced as part of the Mitigation and Monitoring Plan required for permit issuance. In-kind and on-site replacement of lost wetland habitats must be done where possible. If multiple impacts on wetlands occur from the construction of facilities, larger wetland mitigation areas shall be created that provide greater functions and values than numerous small mitigation sites. The determination of wetland impacts and the subsequent location and design of potential mitigation sites shall be determined by qualified biologists in coordination with resource agency personnel. Mitigation and Monitoring Plans shall require the following of the City:
  - Replacement of lost acreage and functions of wetland habitat;
  - Identification of the restoration opportunities, complete with an analysis of the technical approach to create high quality wetlands;
  - Prior to construction of any project element that may impact wetland habitats, obtaining any necessary permits from the USACE, RWQCB or the CCC;
  - Preparation of detailed plans for wetland mitigation construction that include excavation elevations, location of hydrologic connections, planting plans, and soil amendments, if necessary; preparation of maintenance and monitoring plans in consultation with a qualified habitat restoration specialist; monitoring of any mitigation wetlands for a period of 5 years, during which the site will achieve the target jurisdictional acreage by Year 5; and determination of specific performance criteria and monitoring for site success; provision of annual monitoring reports to the appropriate resource agencies.

### Climate Change and Greenhouse Gases

Implementation of the PWIMP could result in temporary potentially significant impacts to climate change and greenhouse gases as follows:

**Impact 3.5-1: Construction and operation of the PWIMP and/or identified components/facilities could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

**Impact 3.5-2: Construction and operation of the PWIMP and/or identified components/facilities could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with state goals for reducing GHG emissions in California.**

**Impact 3.5-3: Construction and operation of the PWIMP and/or identified components/facilities could contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard).**

#### *Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

#### *Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.5-1a: Calculate Air Emissions.** For each individual PWIMP project(s), set of Projects, and/ or construction activity, the City shall calculate air quality emissions using an

appropriate air emissions computer program. VAPCD and the California Air Pollution Control Officers Association (CAPCOA) recommends using the more updated air quality emissions estimation model CalEEMod Version 2016.3.2 for quantifying air emissions for discretionary projects. However, other models such as the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Roadway Construction Emissions Model can be effective in assessing the emissions of linear construction projects. The model run(s) will establish estimated construction emissions, which will be used to establish a construction emissions control plan as described in Mitigation Measure 3.5-1b below.

**Mitigation Measure 3.5-1b: Construction Emissions Control Plan.** For each individual PWIMP project(s), set of Projects and/ or construction activity, the City shall prepare a Construction Emissions Control Plan that outlines an approach for phasing construction activities to ensure that daily construction emissions do not exceed the VCAPCD's significance thresholds for construction activities. The plan shall be submitted to the VCAPCD for review and approval at least 30 days prior to the estimated start of construction activities. The City shall require the approved plan to be implemented during all construction activities by including the approved plan in construction contracts. The plan shall include, at a minimum, a detailed description of the construction equipment inventory and use requirements for each component of the project, including daily activity phasing. The plan shall include documentation that the equipment used to construct the project(s) is properly maintained and shall include the maintenance schedule of the equipment, consistent with manufacturers' specifications. To ensure that emissions remain below VCAPCD's daily significance threshold of 25 pounds per day of ROC and NOx, the plan shall be designed to achieve emission levels that are no higher than 22.5 pounds per day of ROC and NOx (i.e., 90 percent of the daily threshold). All aspects of construction activity, including but not limited to truck trips per day, miles per trip, miles of dirt road travel per day, daily equipment inventories, equipment hours, and amounts of total areas and volumes of material to be disturbed shall be clearly defined in the plan and implemented in the field so that it can be determined by a third party construction monitor that the agreed upon plan is adequately implemented.

**Mitigation Measure 3.5-1c: ROC and NOx Construction Measures.** For each individual PWIMP Project(s), set of Projects, and/ or construction activity, the City shall, to the extent applicable and possible, require its construction contractor(s) to implement ROC and NOx construction measures, consistent with VAPCD's current Air Quality Assessment Guidelines and as updated.

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.

Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

#### *Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental effects to climate change and greenhouse gases would be reduced to less-than-significant.

#### **Cultural, Paleontological, and Tribal Resources**

Implementation of the PWIMP could result in temporary potentially significant impacts to Cultural, Paleontological, and Tribal Resources as follows:

**Impact 3.6-1:** Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of an historical resource as defined in State CEQA Guidelines Section 15064.5.

**Impact 3.6-2:** Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section 15064.5.

**Impact 3.6-3:** Construction and operation of the PWIMP and/or identified components/facilities could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Impact 3.6-4:** Construction and operation of the PWIMP and/or identified components/facilities could disturb any human remains, including those interred outside of formal cemeteries.

**Impact 3.6-5:** Construction and operation of the PWIMP and/or identified components/facilities could cause a substantial adverse change in the significance of a tribal cultural resource.

*Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

*Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.6-1a: Pre-Construction Cultural Resources Survey(s).** The City shall perform pre-construction archaeological surveys for all PWIMP project components that require ground-disturbing activities including, but not limited to facility footprints, construction right-of-way corridors, staging areas, and access roads. Where proposed project areas are composed entirely of impervious surfaces, a historic archaeological and geo-archaeological sensitivity analysis may be substituted for surface survey. If resources or highly sensitive areas are identified during survey, **Mitigation Measure 3.6-1b** shall be implemented wherever possible.

**Mitigation Measure 3.6-1b: Avoidance.** The City will seek to avoid cultural resources as the preferred mitigation measure. Avoidance of cultural resources would result in less-than-significant levels of impacts to identified cultural resources. All design-level engineering and construction drawings will be prepared in consultation with a cultural resource specialist. Facilities, staging areas, and any activity involving ground disturbance shall be located to avoid resources. To ensure that no inadvertent damage occurs to avoided cultural resources, exclusion zones covering the resource and a 100-foot buffer around it will be marked both on the ground and on construction maps.

**Mitigation Measure 3.6-1c: Evaluation for CRHR.** If avoidance is determined to be infeasible, the City shall retain a qualified archaeologist (for archaeological resources) or architectural historian (for built environment resources) to evaluate the resources for eligibility to the CRHR. In the case of historic or prehistoric archaeological sites, evaluation may be completed by examining existing records and reports, by detailed recording, and/or by excavation to determine data potential of the sites. Resources found to be ineligible for CRHR would require no further management. If a CEQA historic resource or unique archaeological resource is determined to exist, then Mitigation Measure 3.6-1d will be used to reduce impacts to less-than-significant levels.



**Mitigation Measure 3.6-1d: Develop a Cultural Resources Treatment Plan (CRTP).** The City shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered CEQA historic resources or unique archaeological resources within areas of direct impact of project activities. The plan will include, at minimum:

- Procedures for protection and avoidance of environmentally sensitive areas (ESAs), including archaeological monitoring protocols;
- Procedures for evaluating inadvertent discoveries of archaeological resources, including research, recording, or test excavations;
- Procedures for mitigating impacts to CEQA archaeological resources (including Native American burials) through data recovery excavations;
- Provisions and procedures for Native American consultation;
- Training for construction personnel on their responsibilities to identify and protect cultural resources;
- Curation of any cultural materials collected during the project; and
- Specification that archaeologists and other disciplinary specialists hired for the project meet the appropriate Professional Qualifications Standards mandated by the California Office of Historic Preservation (OHP).

**Mitigation Measure 3.6-1e: Halt Work if Cultural Resources are Discovered.** If prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 100-feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be a significant historical resource (CEQA Guidelines §15064.5(a)(3) and/or unique archaeological resource (PRC §21083.2), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.

**Mitigation Measure 3.6-4: Halt Work if Human Remains are Discovered.** If buried human remains are encountered during construction, work shall be *immediately* halted, and the City and the Ventura County Coroner shall be *immediately* notified. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC shall designate a Most Likely Descendant, who will be responsible for providing recommendations for the treatment of the remains within 48 hours of being granted access to the find.

**Mitigation Measure 3.6-5: Halt Work if Tribal Cultural Resources are Discovered.** In the event that any tribal cultural resources are discovered during ground disturbing activities, all work within 100-feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and local tribes to assess the significance of the find. If any find is determined to be significant as a unique tribal cultural resource, the City shall treat the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including to, but not limited to, the following:

- Protecting the cultural character and integrity of the resource;

- Protecting the traditional use of the resource; and
- Protecting the confidentiality of the resource.

In considering any suggested mitigation proposed by the consulting archaeologist and/or the appropriate tribe in order to mitigate impacts to any tribal cultural resources find, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted and coordinated with the appropriate tribe(s). Work may proceed on other parts of the project site while mitigation measures for tribal cultural resources or other unique archaeological resources are carried out.

#### *Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental effects to Cultural, Paleontological, and Tribal Resources would be reduced to less-than-significant.

#### **Geologic, Seismic, and Soil Hazards**

Implementation of the PWIMP could result in temporary potentially significant impacts to Geologic, Seismic, and Soil Hazards as follows:

**Impact 3.7-1: Implementation of the PWIMP and/or identified components/facilities could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving earthquakes, landslides, liquefaction, and/or subsidence.**

#### *Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

#### *Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.7-1a: Conduct Appropriate Geotechnical Engineering Studies.** A California licensed geotechnical engineer or engineering geologist will conduct geotechnical investigations of all PWIMP facilities prior to the final design and prepare recommendations applicable to foundation design, earthwork, backfill and site preparation prior to or during the project design phase. The investigations will specify seismic and geologic hazards including potential ground movements and co-seismic effects (including liquefaction). The recommendations of the geotechnical engineer will be incorporated into the design and specifications in accordance with California Geological Survey Special Publication 117 and shall be implemented by the construction contractor. The construction manager will conduct inspections and certify that all design criteria have been met in accordance with the California Building Code as well as applicable City and County ordinances.

All PWIMP elements and pipeline facilities will comply with applicable policies and appropriate engineering investigation practices necessary to reduce the potential detrimental effects of expansive soils, and corrosivity. Appropriate geotechnical studies will be conducted by California licensed geotechnical engineers or engineering geologists using generally accepted and appropriate engineering techniques for determining the susceptibility of the sites to unstable, weak or corrosive soils in accordance with the most recent version of the California Building Code. A licensed geotechnical engineer or engineering geologist will prepare recommendations applicable to

foundation design, earthwork, and site preparation prior to or during the project design phase. Recommendations will address mitigation of site-specific, adverse soil and bedrock conditions that could hinder development. Project engineers will implement the recommendations and incorporate them into project specifications. Geotechnical design and design criteria will comply with the most recent version of the California Building Code and applicable local construction and grading ordinances. Once appropriately designed and subsequently constructed, in accordance with local and state building code requirements, the resultant improvements will have the structural fortitude to withstand the potential hazards of expansive soils or corrosivity without significant damage.

During the design phase for all PWIMP components that require ground-breaking activities, the project applicant will perform site-specific design-level geotechnical evaluations which will include slope stability conditions and provide recommendations to reduce and eliminate any potential slope hazards, if any, in the final design and if necessary, throughout construction. For all pipelines located in landslide hazard areas, appropriate piping material with the ability to deform without rupture (e.g. ductile steel) will be used. For all other facilities, a geotechnical evaluation will be conducted and the geotechnical evaluations will include detailed slope stability evaluations, which could include a review of aerial photographs, field reconnaissance, soil testing, and slope stability modeling. Facilities design and construction will incorporate the slope stability recommendations contained in the geotechnical analysis conducted by California licensed geotechnical engineers or engineering geologists. Final slope stabilization measures, determined by the licensed geotechnical engineer or engineering geologist in accordance with California Building Code requirements, may include, without limitation, one or more of the following:

- Appropriate slope inclination (not steeper than 2 horizontal to 1 vertical)
- Slope terracing
- Fill compaction
- Soil reinforcement
- Surface and subsurface drainage facilities
- Engineered retaining walls
- Buttresses
- Erosion control measures

Mitigation measures included in the geotechnical report will be incorporated into the Project construction specifications and become part of the Project.

#### *Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental effects to Geologic, Seismic, and Soil Hazards would be reduced to less-than-significant.

#### **Hazards and Hazardous Wastes**

Implementation of the PWIMP could result in temporary potentially significant impacts to Hazards and hazardous wastes as follows:

**Impact 3.8-1: Excavation and grading for the project could expose construction workers, the public, or the environment to hazardous materials that may be present in excavated soil or groundwater.**

**Impact 3.8-2: Potential for accidental release of hazardous materials from construction activities.**



**Impact 3.8-3: Handling and Use of Hazardous Materials within ¼-mile of a school during construction.**

**Impact 3.8-4: Increased risk of wildland fires during construction in high fire hazard areas.**

*Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

*Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.8-1a: Conduct Phase I Environmental Site Assessment(s).** Within one year prior to construction of facilities requiring excavation of more than 50-cubic yards of soil, the contractor shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment in conformance with ASTM Standard 1527-13 to evaluate subsurface conditions that could be expected during construction. For all pipeline/conveyance facility alignments, the contractor shall retain a qualified environmental professional to update the environmental database review to identify environmental cases, permitted hazardous materials uses, and spill sites within one-quarter mile of the pipeline/conveyance facility alignment. Regulatory agency files shall be reviewed for those sites that could potentially affect soil and groundwater quality within the project alignment.

If these preliminary environmental reviews indicate that a release of hazardous materials could have affected soil or groundwater quality at a project site, the contractor shall retain a qualified environmental professional to conduct a Phase II environmental site assessment to evaluate the presence and extent of contamination at the site, in conformance with state and local guidelines and regulations. If the results of the subsurface investigation(s) indicate the presence of hazardous materials, additional site remediation may be required by the applicable state or local regulatory agencies, and the contractors shall be required to comply with all regulatory requirements for facility design or site remediation.

**Mitigation Measure 3.8-1b: Prepare Project-Specific Health and Safety Plan(s).** Based on the findings of the environmental review required by Mitigation Measure 3.8-1a, the City or its contractor shall prepare a project-specific Health and Safety Plan (HSP) in accordance with 29 CFR 1910 to protect construction workers and the public during all excavation, grading and construction services. The HSP shall identify the following, but not be limited to:

- A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals;
- Specified personal protective equipment and decontamination procedures, if needed Safety procedures to be followed in the event suspected hazardous materials are encountered;
- Emergency procedures, including route to the nearest hospital; and
- The identification of a site health and safety officer and responsibilities of the site health and safety officer.

**Mitigation Measure 3.8-1c: Environmental Construction Monitor(s).** Based on the findings of the environmental review required by Mitigation Measure 3.8-1a, the City or its contractor shall have a site health and safety supervisor fully trained pursuant to the HAZWOPER standard (29 CFR 1910.120) be present during excavation, grading, trenching, or cut and fill operations to monitor for

evidence of potential soil contamination, including soil staining, noxious odors, debris or buried storage containers. The site health and safety supervisor must be capable of evaluating whether hazardous materials encountered constitute an incidental release<sup>3</sup> of a hazardous substance or an emergency spill. The site health and safety supervisor shall direct procedures to be followed in the event that a hazardous materials release with the potential to impact worker health and safety is encountered. These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following:

- Immediately stopping work in the vicinity of the unknown hazardous materials release, and notifying MCDEH, and
- Retaining a qualified environmental firm to perform sampling and remediation.

**Mitigation Measure 3.8-1d: Develop a Materials Disposal Plan(s).** For each individual PWIMP project (as applicable), the City or its contractor shall develop a materials disposal plan specifying how the applicant or its contractor would remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The plan must identify the disposal method for soil and the approved disposal site, and include written documentation that the disposal site would accept the waste.

- The applicant or its contractor shall develop a groundwater dewatering control and disposal plan specifying how the applicant or its contractor would remove, handle, and dispose of groundwater impacted by hazardous substances in a safe, appropriate and lawful manner. The plan must identify the locations at which potential groundwater impacts are likely to be encountered (based on the results of Mitigation Measure 3.8-1a), the method to analyze groundwater for hazardous materials, and the appropriate treatment and/or disposal methods.

**Mitigation Measure 3.8-2a: Store, Handle, Use Hazardous Materials in Accordance with Applicable Laws.** The City shall ensure that all construction-related and operational hazardous materials and hazardous wastes shall be stored, handled, and used in a manner consistent with relevant and applicable federal, state, and local laws. In addition, construction-related and operational hazardous materials and hazardous wastes shall be staged and stored away from stream channels and steep banks to keep these materials a safe distance from near-by residents and prevent them from entering surface waters in the event of an accidental release.

**Mitigation Measure 3.8-2b: Properly Dispose of Contaminated Soil and/or Groundwater.** If contaminated soil and/or groundwater is encountered or if suspected contamination is encountered during project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified. A contingency plan to dispose of any contaminated soil or groundwater will be developed through consultation with appropriate regulatory agencies.

**Mitigation Measure 3.8-2c: Properly Dispose of Hydrostatic Test Water.** Dewatering of the pipeline during hydrostatic testing during construction, as well as any dewatering as a result of operations and maintenance activities, shall be discharged to land or the sanitary sewer system and not into any creeks, drainages, or waterways and shall require prior approval from the Los Angeles Regional Water Quality Control Board.

**Mitigation Measure 3.8-4a: Fire Prevention and Control.** The City shall comply with all federal, state, county and local fire regulations pertaining to burning permits and the prevention of uncontrolled fires. The following measures shall be implemented to prevent fire hazards and control

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<sup>3</sup> An incidental release is a release of a hazardous substance, which does not pose a significant safety or health hazard to employees in the immediate vicinity or to the employee cleaning it up, nor does it have the potential to become an emergency within a short time frame. Incidental releases are limited in quantity, exposure potential, or toxicity and present minor safety and health hazards to employees in the immediate work area or those assigned to clean them up.

of fires:

- A list of relevant fire authorities and their designated representative to contact shall be maintained on site by construction personnel.
- Adequate firefighting equipment shall be available on site in accordance with the applicable regulatory requirements.
- The level of fire hazard shall be posted at the construction office (where visible for workers) and workers shall be made aware of the hazard level and related implications.
- The City or its contractor shall provide equipment to handle any possible fire emergency. This shall include, although not be limited to, water trucks; portable water pumps; chemical fire extinguishers; hand tools such as shovels, axes, and chain saws; and heavy equipment adequate for the construction of fire breaks when needed. Specifically, the City or its contractor shall supply and maintain in working order an adequate supply of fire extinguishers for each crew engaged in potentially combustible work such as welding, cutting, and grinding.
- All equipment shall be equipped with spark arrestors.
- In the event of a fire, the City or its contractor shall immediately use resources necessary to contain the fire. The City or contractor shall then notify local emergency response personnel.
- Any and all tree-clearing activities (if any) are to be carried out in accordance with local rules and regulations for the prevention of forest fires.
- Burning shall be prohibited.
- Flammable wastes shall be removed from the construction site on a regular basis.
- Flammable materials kept on the construction site must be stored in approved containers away from ignition sources.

*Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental effects to Hazards and hazardous wastes would be reduced to less-than-significant.

**Hydrology, Water Quality, and Water Utilities**

Implementation of the PWIMP could result in temporary potentially significant impacts to Hydrology, Water Quality, and Water Utilities as follows:

**Impact 3.9-1: Construction and operation of the PWIMP could cause a violation of any adopted water quality standards or waste discharge or treatment requirements.**

**Impact 3.9-2: Construction and operation of the PWIMP could substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).**

**Impact 3.9-3: Construction and operation of the PWIMP could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems.**

**Impact 3.9-4: Construction and/or Operation of the PWIMP could: 1) Place new structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood**

**Insurance Rate Map or other flood hazard delineation map; 2) Impede or redirect flood flows such that it would increase on- or off-site flood potential; 3) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or 4) Be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow.**

***Finding:***

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

***Mitigation Measures:***

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.9-1a: Implement Construction Best Management Practices.** To reduce potentially significant erosion and siltation, the City and/or its selected contractor(s) shall obtain a Stormwater Pollution Prevention Permit(s) (SWPPP) and implement Best Management Practices and erosion control measures as required by the Los Angeles RWQCB. Best Management Practices to reduce erosion and siltation shall include the following measures: Avoidance of construction activities during inclement weather; limitation of construction access routes and stabilization of access points; stabilization of cleared, excavated areas by providing vegetative buffer strips, providing plastic coverings, and applying ground base on areas to be paved; protection of adjacent properties by installing sediment barriers or filters, or vegetative buffer strips; stabilization and prevention of sediments from surface runoff from discharging into storm drain outlets; use of sediment controls and filtration to remove sediment from water generated by dewatering; and returning all drainage patterns to pre-existing conditions.

**Mitigation Measure 3.9-2a: Prepare Groundwater/Hydrogeologic Plan and/or Monitoring/Modeling.** The City shall, in conjunction with the requirements of SGMA and other local requirements, prepare an implementation plan for the groundwater that is extracted and recharged from this Project in the PWIMP planning area and including on the southern Oxnard Plain and Pleasant Valley areas. This plan will provide the details of how groundwater will be recovered and the best management practices that will be implemented, including, but not limited to:

- The City shall coordinate with FCGWMA and will continue to contribute to the ongoing basin-wide groundwater monitoring program for the Oxnard Plain and Pleasant Valley areas program to assist with the collection of data that are necessary to monitor and evaluate the effects from groundwater that is extracted and recharged by the PWIMP facilities. It is assumed that the City will have full access to the groundwater monitoring database to assist the City with performing the routine annual evaluation described below.
- The City shall coordinate with FCGMA to help document the groundwater/hydrogeologic conditions and effects from implementation of the PWIMP facilities including but not limited to surface and groundwater interactions, seawater intrusion, and water quality impacts such as turbidity, taste, odor, nutrients, and TDS.
- As necessary, the City shall adjust the groundwater that is extracted and/or recharged on the southern Oxnard Plain and Pleasant Valley areas to reduce potential significant impacts to groundwater resources. These adjustments, in part, will be based on comments received by FCGMA, and other interested stakeholders involved with water resources management in the

Oxnard Plain and Pleasant Valley areas.

***Significance after Mitigation:***

With the incorporation of the above mitigation measures, significant environmental effects to Hydrology, Water Quality, and Water Utilities would be reduced to less-than-significant.

**Land Use Planning**

Implementation of the PWIMP could result in temporary potentially significant impacts to land use planning as follows:

**Impact 3.10-1: Construction and operation of the PWIMP could conflict with an applicable land use plan, policy or regulation of the City or other agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect.**

***Finding:***

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

***Mitigation Measures:***

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.10-1a: Land Use Compatibility Review.** For each PWIMP project to be constructed and/or operated, the City shall review the land use compatibility on a project-level basis through a subsequent environmental document to ensure that the proposed individual project does not conflict with an existing land use compatibility or cause a significant environmental impact that cannot be reduced to a less than significant level(s). In addition, the City shall obtain all necessary easements for any and all temporary construction activities.

**Mitigation Measure 3.10-1b: New Pipeline Locations.** Any new PWIMP pipelines and/or conveyance facilities that cross any agricultural fields or private property shall be located in an area or buried at a depth that would not interfere with the use of the land, such as agricultural tilling, grading, planting, etc.

**Mitigation Measure 3.10-1c: Return to Existing Conditions.** For all PWIMP pipeline or conveyance facility construction activities, soil shall be stockpiled and replaced once installed, unless soil contamination is expected. If soil contamination is detected, then mitigation measures in 3.8 Hazards and Hazardous Wastes. The construction area shall be returned to preconstruction conditions and grade.

***Significance after Mitigation:***

With the incorporation of the above mitigation measures, significant environmental land use planning effects would be reduced to less-than-significant.

**Noise**

Implementation of the PWIMP could result in temporary potentially significant noise impacts as follows:

**Impact 3.12-1: Construction and operation of the PWIMP could generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies.**



*Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

*Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 3.12-1a: Limit Construction Hours.** To the extent possible, construction activities will be limited to the least noise-sensitive times and will comply with the City's noise ordinances. Construction, alteration, and other related activities shall be allowed on weekdays between the hours of 8 a.m. and 5 p.m., and on Saturdays between the hours of 10 a.m. and 6 p.m. Construction activities shall not exceed the outdoor ambient sound level (dBA) of 86 dBA. Nighttime construction would require specific and special approval from the City. Temporary hotel accommodations shall be provided to all residents located within 100-feet of a designated construction area where construction activity would occur on a 24-hour continuous basis. The accommodations shall be provided for the duration of the 24-hour construction activities.

**Mitigation Measure 3.12-1b: Locate Staging Areas away from Sensitive Receptors.** The City's construction specifications shall require that the contractor select staging areas as far as feasibly possible from sensitive receptors. Currently, planned staging areas are at the City's existing WWTP, water, and stormwater yards/facilities.

**Mitigation Measure 3.12-1c: Maintain Mufflers on Equipment.** The City's construction specifications shall require the contractor to maintain all construction equipment with manufacturer's specified noise-muffling devices. The City shall ensure that the contractor(s) construction equipment with internal combustion engines have sound control devices at least as effective as those provided by the original equipment manufacturer. No equipment shall be permitted to have an un-muffled exhaust.

**Mitigation Measure 3.12-1d: Idling Prohibition and Enforcement.** The City shall prohibit and enforce unnecessary idling of internal combustion engines. In practice, this would mean turning off equipment if it will not be used for five or more minutes.

**Mitigation Measure 3.12-1e: Equipment Location and Shielding.** Locate all stationary noise-generating construction equipment such as air compressors and standby power generators as far as possible from homes and businesses. Contractor specifications shall include a requirement that construction equipment located within 500-feet of noise-sensitive receptors shall be equipped with noise reducing engine housings or other noise reducing technology such that equipment noise levels are no more 85-dBA at 50-feet. The line of sight between construction within 500-feet of sensitive receptors and nearby sensitive receptors shall be blocked by portable acoustic barriers and/or shields to reduce noise levels by at least an additional 10-dBA.

**Mitigation Measure 3.12-1f: Notify Residents and Sensitive Receptors.** Residences and other sensitive receptors within 500-feet of a construction area shall be notified of the construction schedule in writing, at least two weeks prior to the commencement of construction activities. The City or the contractor(s) shall designate a noise disturbance coordinator who would be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance coordinator shall be conspicuously placed on construction site fences and included in the construction schedule notification sent to nearby

residences. The notice to be distributed to residences and sensitive receptors shall first be submitted to the City for review and approval.

**Mitigation Measure 3.12-1g: Enclosed Noise Structures.** All stationary noise sources (e.g., pump stations, permanent and emergency power generators, electrical gear, motors, etc.) shall be located within enclosed structures with adequate setback and screening, as necessary, to achieve acceptable regulatory noise standards for industrial uses as well as to achieve acceptable levels at the property lines of nearby residences and commercial uses, as determined by the City or Ventura County, as appropriate. Noise enclosures shall be designed to reduce equipment noise levels by at least 20-dBA. Once the stationary noise sources have been installed, noise levels shall be monitored to ensure compliance with local noise standards. If PWIMP facility(s) stationary noise sources exceed the applicable noise standards, an acoustical engineer shall be retained to install additional noise attenuation measures in order to meet the applicable noise standards.

**Mitigation Measures 3.12-2a: Vibration Monitoring.** Vibration monitoring shall be conducted for any and all PWIMP construction activities within 10-feet of buildings to confirm vibration levels do not exceed 0.1 in/sec PPV. If vibration levels exceed the limits of this mitigation measure, then construction practices shall be modified to use smaller types of construction equipment, operate the equipment in a manner to reduce vibration, or use alternate construction methods, and monitoring shall continue for an additional 200-feet or until construction practices meet the required vibration levels. The monitoring in this mitigation measure shall be repeated if the construction methods change in a manner that would increase vibration levels, or when structures are closer to the limits of construction than previous vibration monitoring have confirmed is below the vibration thresholds. Smaller vibratory rollers shall be used to minimize vibration levels during repaving activities where needed to meet vibration limits.

#### *Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental noise effects would be reduced to less-than-significant.

#### **Traffic and Transportation**

Implementation of the PWIMP could result in temporary potentially significant impacts to traffic and transportation as follows:

**Impact 3.13-1: Construction and operation of the PWIMP could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) based on adopted City of Oxnard level of service (LOS) standards.**

**Impact 3.13-2: Construction of the PWIMP could exceed, either individually or cumulatively, a LOS standard established by the Ventura County Congestion Management Program (CMP) for designated roads or highways.**

**Impact 13.3-5: Construction and operation of the PWIMP could result in inadequate emergency access.**

**Impact 13.3-6: Construction and operation of the PWIMP could conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).**

*Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

*Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure 13.1-1a: Prepare and Implement Traffic Control Plan(s).** As is consistent with existing policy, the City shall require the contractor to prepare and implement effective traffic control plans to show specific methods for maintaining traffic flows for each PWIMP project to be constructed. Examples of traffic control measures to be considered include: 1) use of flaggers to maintain alternating one-way traffic while working on one-half of the street; 2) use of advance construction signs and other public notices to alert drivers of activity in the area; 3) use of “positive guidance” detour signing on alternate access streets to minimize inconvenience to the driving public; 4) provisions for emergency access and passage; and 5) designated areas for construction worker parking.

**Mitigation Measure 13.1b: Return Roads to Pre-construction Condition.** Following construction, the City shall ensure that road surfaces that are damaged during construction are returned to their pre-construction condition or better.

*Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant environmental effects on traffic and transportation would be reduced to less-than-significant.

**Cumulative Effects**

Implementation of the PWIMP could result in temporary potentially significant impacts to traffic and transportation as follows:

**Temporary construction of the PWIMP and facility(s) in conjunction with other undetermined projects over the next 15-to-20 years has the potential to have direct and/or indirect cumulative environmental impacts. These could result in potentially significant temporary impacts, perhaps even significant and unavoidable impacts on air quality, noise, and traffic and transportation - depending upon the other projects being constructed nearby at the same time.**

*Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

*Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**Mitigation Measure CE: Prepare Project-level Environmental Documentation.** For each individual PWIMP Project prepare Project-level environmental documentation and Implement mitigation measures identified in each resource chapter.

### *Significance after Mitigation:*

With the incorporation of the above mitigation measures, significant cumulative effects would be reduced to less-than-significant.

## 5.3 Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and CEQA Guidelines Section 15093, require that the City balance economic, legal, social, technological, or other benefit(s) of a proposed project against its unavoidable environmental effects when determining to approve a project. If specific economic, legal, social, technological, or other benefit(s) outweigh the unavoidable adverse environmental effect, the adverse effects may be considered “acceptable”.

The Proposed Project or PWIMP does not directly create or induce growth in the Oxnard area because it does not provide a significant number of additional permanent jobs nor does it approve land development. Only the City or the County, through their general planning, zoning, and permitting authority can directly induce growth. Therefore, the PWIMP, in and of itself, does not directly affect or foster growth in the surrounding environment. However, a significant and unavoidable effect related to indirectly contributing to growth was identified for the Proposed Project. The following findings and statement of overriding considerations outlines the specific reasons to support the City's approval of the Proposed Project.

### Indirect Growth Inducement Effects

The main objective of the Proposed Project or PWIMP is to make significant improvements to the City's water related utilities including the City's water, wastewater, recycled water, and stormwater systems in order to meet current demand and planned growth as identified in the City's 2030 General Plan which was approved by the City Council in 2011.

The General Plan EIR identified several significant unavoidable impacts associated with the implementation of the 2030 General Plan, which include significant unavoidable impacts to agricultural resources, air quality, noise, and traffic and transportation. As a result, implementation of the PWIMP could be considered to have indirect growth inducing effects as it would remove a barrier to growth by providing improved water supplies and utilities to support the current, planned, and 2030 growth. In as such, it would then be reasonable to conclude that the implementation of the PWIMP would indirectly contribute to the same indirect significant and unavoidable growth inducing impacts as identified in the 2030 General Plan EIR. These include, but not limited to, the following:

- Lack of transportation facilities for the population to travel between their place of employment, recreational facilities, service facilities, shopping and their homes;
- Lack of educational facilities including elementary and high school facilities, secondary education facilities, and vocational institutions;
- Employment patterns such as high unemployment or limited employment opportunities within the region;
- Availability of housing to accommodate all income categories;
- Availability of wastewater treatment capacity;
- Availability of emergency services such as police, fire, and medical facilities;
- Availability of electricity; and/or
- Availability of water supply and distribution.

Water availability removes a barrier to growth. However, it is but one of many such barriers, all of which combine to control where and to what extent growth occurs.

*Finding:*

Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen the significant environmental effect as identified in the Draft PEIR. (*Section 15091(a)(1)*).

*Mitigation Measures:*

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

**There are no applicable mitigation measures that are available to adequately reduce or change the indirect growth impacts identified as a result of the implementation of the 2030 General Plan.**

*Significance after Mitigation:*

There are no applicable mitigation measures that are available to adequately reduce or change the indirect growth impacts identified as a result of the implementation of the 2030 General Plan. As a result, implementation of the Proposed Project or PWIMP would indirectly contribute to the approved growth as planned in the 2030 General Plan and is therefore considered significant and unavoidable.

## 5.4 Mitigation Monitoring and Reporting Program and Project Design Features

As referenced above in the findings, a MMRP has been prepared for the project and is to be adopted concurrently with these findings and statement of overriding considerations pursuant to Public Resources Code Section 21081(a)(1). The MMRP is a separate stand-alone document that will be used by the City to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period, which includes pre-construction coordination, construction, and post-construction documentation.

## 6.0 Project Alternatives

Where the City has determined that, even after the adoption of all feasible mitigation measures, the Project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significant, the City must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR. Further, “feasibility” under CEQA encompasses the desirability of the project “based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *Sequoiah Hills, supra*, 23 Cal.App.4th at p. 715).

As described in Chapter 1 – Introduction and Chapter 2 – Project Description of the Draft PEIR, the PWIMP provides a phased program for constructing improvements to the City's infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. Specifically, the PWIMP addresses future planning needs including infrastructure additions and upgrades for City's water, wastewater, recycled water, and stormwater utilities. The PWIMP builds upon previous planning efforts using a coordinated methodology, which will allow the City to take full advantage of potential linkages and synergies between the four water utility systems. In addition, the PWIMP is also coordinated with a streets plan in an attempt to allow timing of future streets upgrades to be tied together with infrastructure upgrades. As such, the PWIMP identified numerous alternatives to the various needs and improvements of each of the four water utilities and went through an elaborate and public driven workshop process for evaluating



them from a technical and economic perspective. The result of the PWIMP is the recommended improvements to move forward with and which is evaluated in the PEIR as the Proposed Project. Also, the majority of the individual components of the PWIMP is the rehabilitation and replacement of existing facilities of which there are no real alternatives, other than not rehabilitating and/or replacing the aging infrastructure. As detailed in Chapter 3 – Environmental Analysis of the Draft PEIR, the PWIMP would have several potentially significant impacts to the environment. However, with the implementation of the identified and corresponding mitigation measures, all of the potentially significant impacts can be reduced to less-than-significant levels, with the exception of indirectly contributing to the significant and unavoidable impacts of implementing the planned growth identified and approved in the City's 2030 General Plan. As a result, the only alternative that could avoid that significant impact is the No Project Alternative. The No Project Alternative is discussed below.

## No Project Alternative

Section 15126.6 (e) of the CEQA Guidelines requires the analysis of a No Project Alternative. The purpose of describing and analyzing a No Project Alternative is to allow decision-makers the opportunity to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The CEQA Guidelines state that the No Project Alternative is the circumstance under which the project would not proceed. If the No Project Alternative would not result in the preservation of existing conditions, the consequences of not approving the Proposed Project should also be discussed.

Under the No Project Alternative, the basic objective of the Proposed Project or PWIMP to provide a phased program for constructing improvements to the City's infrastructure facilities to accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon would not be met.

Under the No Project Alternative, the PWIMP would not be implemented. Construction of the expanded AWPf, desalter, and new water and IPR/ASR wells and other facilities would not occur. As a result, secondary effluent produced from the OWTP would not be diverted from the existing ocean outfall for tertiary and advanced water treatment at the AWPf facility. Further rehabilitation of the existing pipelines and conveyance facilities that are at the end of their useful lives would not occur. This would cause the need for emergency repairs rather than a planned, orderly, and cost-effective method for ensuring reliability with the various water, wastewater, recycled water, and stormwater pipeline and conveyance facilities.

Groundwater injections afforded by new IPR/ASR wells would not occur, and over-drafted aquifer conditions would continue to occur or worsen. Additional potable water supplies potentially provided by treatment of extracted groundwater (allowed by transfer of unused groundwater pumping in lieu of groundwater recharge) would not be available for extraction and treatment by the proposed regional desalter expansion(s).

The No Project Alternative could result in a shortage in the amount of reliable and affordable water supplies available to meet both potable and non-potable demands. A shortage would require the City to consider other alternative solutions to meet the goal of the City to provide current and future residents and businesses with a reliable and affordable source of high-quality water.

The No Project Alternative would avoid the less-than-significant significant with mitigation impacts identified for the PWIMP Program. However, several of the beneficial impacts of the PWIMP related to groundwater recharge in the LAS would not be realized, including increased groundwater elevations, minimization of coastal landward flow of seawater, and reduction of severe overdraft conditions and water quality degradation.

In summary, the No Project Alternative would not be considered a "feasible" project that could lessen or avoid the significant and unavoidable impacts that would occur as a result of the Proposed Project. Therefore, the City makes the finding that the project impacts are considered "acceptable" for the reasons outlined in the findings and the following statement of overriding considerations.

## 7.0 Statement of Overriding Consideration

Indirect growth inducement impacts cannot be fully mitigated with measures identified above in Section 5.3, and therefore, impacts related to contributing to the growth impacts identified as a result of supporting the implementation of the City's approved 2030 General Plan is considered to be significant and unavoidable. A finding consistent with Section 15091(a)(3), that specific economic, legal, social, technological, or other consideration, make infeasible any other mitigation measures or project alternatives that would avoid or lessen this impact to below a level of significance.

As a result, pursuant to Section 15093, the City must "balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks, when determining whether to approve the project." Those specific reasons to support an action taken by the City must be included in a written statement of overriding considerations that is supported by substantial evidence within the administrative record.

In addition to the impacts being temporary, the City finds that the project would have the following economic, social, and technological benefits:

- The Proposed Project would provide a cost-effective solution for constructing improvements to the City's water, wastewater, recycled water and stormwater infrastructure facilities to accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon. (*economical*)
- The Proposed Project would maintain the City's water, wastewater, recycled water, and stormwater systems for the City's residents and customers, thereby protecting public health. (*social*)
- The Proposed Project would improve the reliability of the City's water, wastewater, recycled water and stormwater infrastructure, facilities and systems and provide a permanent solution for a planned, orderly, and cost-effective method of ensuring reliability with the various water, wastewater, recycled water, and stormwater pipeline and conveyance facilities. (*technological*)

For each and all of these reasons, the City finds that the benefits of the Proposed Project outweigh the significant and unavoidable environmental effects related to indirect growth. Therefore, the adverse effects are considered "acceptable", given the importance of this Proposed Project, The City's overall mission is to provide a comprehensive integrated plan for constructing improvements to the City's water-related infrastructure facilities that will accommodate planned growth while maintaining treatment reliability, meeting future regulatory requirements, and optimizing costs through the City's 2030 planning horizon.

## 8.0 Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) requires that the City, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which its decision has been based. The following location is where review of the record may be performed:

City of Oxnard  
Public Works Department  
305 3<sup>rd</sup> Street  
Oxnard, California 93030

The City has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.