

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

DECEMBER 15, 2020

TITLE:

**PUBLIC HEARING REGARDING THE
ADOPTION OF A RESOLUTION
APPROVING A MITIGATED NEGATIVE
DECLARATION FOR THE SEPTIC TO
GRAVITY SEWER CONVERSION PROJECT
LOCATED NORTHEAST OF 17TH STREET
AND TUSTIN AVENUE
(NON-GENERAL FUND)**

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For _____

CONTINUED TO _____

FILE NUMBER _____

/s/ Kristine Ridge

CITY MANAGER

RECOMMENDED ACTION

Adopt a resolution approving a Mitigated Negative Declaration for the Septic to Gravity Sewer Conversion Project located northeast of 17th Street and Tustin Avenue.

DISCUSSION

On September 3, 2019, the City Council adopted Resolution No. 2019-077, approving the annexation of a 24.79-acre area of unincorporated County of Orange land that is generally located northeast of 17th Street and Tustin Avenue. This area currently does not have sanitary sewer infrastructure and developed parcels rely on septic systems for their sewage. Additionally, the City of Santa Ana does not have potable water infrastructure in the area. An agreement with the City of Tustin is in place that allows Tustin to provide potable water service to the area until the City installs the necessary infrastructure to assume that service.

The proposed Septic to Gravity Sewer Project (Project) involves installing sewer mains and laterals to help transfer existing residences to the City's sewer system, as well as installing water mains to improve existing hydraulics. Additional improvements include replacement of curbs, gutters, driveways, street asphalt, and other infrastructure where necessary.

Construction of the Project is anticipated to begin in 2021, with an approximate duration of nine months. Construction of the sewer and water improvements will occur concurrently. In accordance with the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for this project (Exhibits 1 and 2), which must be approved and adopted by resolution of the City Council (Exhibit 3). Staff recommends that the City Council adopt the proposed resolution to allow the project to continue into the construction phase and deliver improved services to our community.

ENVIRONMENTAL IMPACT

In accordance with CEQA, the recommended action has been reviewed through an Initial study/Mitigated Negative Declaration. Sections 15070 through 15075 of the State CEQA Guidelines (Article 6) guide the process for the preparation of a Mitigated Negative Declaration. The MND prepared for this project contains a project description, project location map, and findings that the project, with mitigation, will not have a significant effect on the environment.

The City provided public notice of the public comment period that began on October 23, 2020 and ended on November 21, 2020. The IS/MND was also distributed to all interested or required parties listed on the City's distribution list. No public comments were received.

The Mitigated Negative Declaration is on file with the Clerk of the Council Office.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Submitted By: Nabil Saba, P.E., Executive Director – Public Works Agency

Exhibits:

1. Initial Study/Mitigated Negative Declaration
2. Draft Initial Study/Mitigated Negative Declaration with Appendices may be reviewed at [https://www.santa-ana.org/sites/default/files/pw/documents/Septic to Gravity Sewer Project Draft I S-MND 20201022_combined_appendices.pdf](https://www.santa-ana.org/sites/default/files/pw/documents/Septic_to_Gravity_Sewer_Project_Draft_I_S-MND_20201022_combined_appendices.pdf)
3. Resolution

FINAL

**Initial Study and Mitigated Negative Declaration
And Mitigation Monitoring and Reporting Program**

SEPTIC TO GRAVITY SEWER CONVERSION PROJECT

November 2020

Lead Agency:



**City of Santa Ana
220 S. Daisy Ave
Santa Ana, California 92703**

Prepared by:



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

**2861 Pullman Street
Santa Ana, CA 92705**

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SEPTIC TO GRAVITY SEWER CONVERSION PROJECT

**Final
Initial Study/Mitigated Negative Declaration and
Mitigation Monitoring and Reporting Program**

November 2020

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**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

**FINAL MITIGATED NEGATIVE DECLARATION
SEPTIC TO GRAITY SEWER CONVERSION PROJECT**

Lead Agency: City of Santa Ana

Project Proponent: City of Santa Ana
220 S. Daisy Ave
Santa Ana, California 92703

Project Location: The project site is located in the Pasadena Street, Medford Avenue, and Deodar Street neighborhood within the City of Santa Ana.

Project Description: The proposed Project involves installing sewer mains and laterals to help transfer existing residences from septic systems to the City's sewer system. The Project would install approximately 670 linear feet (LF) of 8-inch sewer main and 4-inch laterals within Pasadena and Medford Avenue from Deodar Street to the west. The Project also replaces the outdated 6" water main and laterals within Deodar Street, Medford Avenue, and Pasadena Avenue. The proposed 8" water main would connect at 17th Street approximately 210' west of Deodar Street, install 1420 LF of 8" water main at Deodar Street, and install an additional 670 LF in Medford and Pasadena Avenue. The Project would install a total of 2,300 LF of 8" water main and transfer 50 properties from City of Tustin water to the City of Santa Ana. The improvements would include replacement of curb and gutter, driveways, street asphalt and other infrastructure where necessary.

Construction of the Proposed Project is anticipated to start in 2021 with an approximate duration of nine months. Construction of the sewer and water improvements would occur concurrently.

Public Review Period: October 23, 2020 to November 21, 2020

Mitigation Measures Incorporated into the Project to Avoid Significant Effects:

Geology and Soils

GEO-1: Unanticipated Discovery – Paleontological Resource. If paleontological resources (i.e., fossil remains) are discovered during excavation activities, the contractor will notify the City and cease excavation within 100 feet of the find until a qualified paleontological professional can provide an evaluation of the site. The qualified paleontological professional will evaluate the significance of the find and recommend appropriate measures for the disposition of the site (e.g. fossil recovery, curation, data recovery, and/or monitoring). Construction activities may continue on other parts of the construction site while evaluation and treatment of the paleontological resource takes place.

**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

Hazards and Hazardous Materials

HAZ-1: **Traffic Control Plan.** Prior to construction, the City of Santa Ana (or its contractor) shall prepare a Traffic Control Plan to ensure proper access to residences and businesses in the area by emergency vehicles during construction and to maintain traffic flow. The Traffic Control Plan shall be approved by the City of Santa Ana prior to any lane closures.

Noise

NOI-1: The Project construction and improvement plans will include the following requirements for construction activities:

- Construction contracts must specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices.
- A sign, legible at a distance of 50 feet, shall be posted at the Project construction site providing a contact name and a telephone number where residents can inquire about the construction process and register complaints. This sign shall indicate the dates and duration of construction activities. In conjunction with this required posting, a noise disturbance coordinator will be identified to address any construction noise concerns received. The coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the disturbance coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the City. All signs posted at the construction site shall include the contact name and the telephone number for the noise disturbance coordinator.
- Identification of construction noise reduction methods. These reduction methods may include shutting off idling equipment (5 minutes), installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and using electric air compressors and similar power tools.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- Per Section 18-314 of the City's Municipal Code, construction shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. on weekdays or Saturday, or any time on Sunday or federal holidays

NOI-2: In order to reduce construction noise, during the demolition, site preparation, trenching, painting and paving phases, a temporary noise barrier or enclosure should be positioned between Project construction and the residences in a manner that breaks the line of sight between the construction equipment and these residences to the extent feasible. The composition, length, height, and location of noise control barrier walls should be adequate to assure proper acoustical performance and withstand structural failure.

**Septic to Gravity Sewer Conversion Project
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Tribal Cultural Resources

TCR-1: Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government, and a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes. The Tribal monitor/consultant is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

TCR-3: Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin

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shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

TCR-5: Resource Assessment & Continuation of Work Protocol: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

TCR-6: Kizh-Gabrieleno Procedures for burials and funerary remains: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. If a Tribe other than the Kizh is named as the Most Likely Descendent by the NAHC, then the landowner will consult with the appropriate Tribe in conformance with State Law.

TCR-7: Treatment Measures: Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of

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working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

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**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

SECTION 1. INTRODUCTION

This document is the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) including the the Mitigation Monitoring and Reporting Plan (MMRP) for Septic to Gravity Sewer Conversion Project (Proposed Project). This Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resource Code Section 21000 et. seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), as amended. This Final IS/MND supplements and updates the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) released for public review on October 23, 2020. The Draft IS/MND is incorporated into this Final IS/MND by reference.

The City of Santa Ana is the Lead Agency for the Proposed Project. On October 23, 2020 the City of Santa Ana distributed the Draft IS/MND for the Proposed Project to the general public for review and comment. The 30-day review period ended on November 21, 2020. During the public review period, five comment letters were received.

This Final IS/MND and MMRP document is organized as follows:

- Section 1 provides a discussion of the purpose and structure of the document;
- Section 2 includes the comment letters received and the City's responses;
- Section 3 identifies errata and an addition to the IS/MND; and
- Section 4 includes the Mitigation Monitoring and Reporting Plan (MMRP).

This Final IS/MND and MMRP document and the Draft IS/MND together constitute the environmental document for the Proposed Project.

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**Septic to Gravity Sewer Conversion Project
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SECTION 2. COMMENTS AND RESPONSES

This section contains copies of the Septic to Gravity Sewer Conversion Project comment letters received during the 30-day public review period, which began on October 23, 2020 and ended on November 21, 2020. In conformance with Section 15088(a) of the State CEQA Guidelines, the City of Santa Ana has considered comments on environmental issues from reviewers of the Draft IS/MND and has prepared written responses. Five (5) letters were received, commenting on the Draft IS/MND. The comments received do not raise substantial environmental issues as to the adequacy of the Draft IS/MND.

The letters received and the responses to the comments contained in the letters are provided in this section.

2.1 List of Comment Letters

A list of public agencies, organizations, and individuals that provided comments on the Draft IS/MND is presented below. The letters and the responses to the comments follow this page.

Letter Number	Sender	Date Received
1	State Water Resources Control Board	11/06/2020
2	Juaneño Band of Mission Indians, Acjachemen Nation	11/10/2020
3	Tustin Unified School District	11/16/2020
4	Orange County Fire Authority	11/18/2020
5	Caltrans	11/18/2020

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Letter 1 – State Water Resources Control Board, received November 6, 2020

From: Metelitz, Matthew@Waterboards <Matthew.Metelitz@Waterboards.ca.gov>
Sent: Friday, November 6, 2020 4:27 PM
To: Fernandez, Armando <AFernandez@santa-ana.org>
Cc: state.clearinghouse@opr.ca.gov
Subject: State Water Board - DFA - Comment Letter - Santa Ana 8478-110

Hello Armando,

Please see the attached comment letter from the State Water Board Division of Financial Assistance for the City's Septic to Gravity Sewer Conversion Project. Please note, we did not have any specific comments. The MND looks great.

1-1

Thank you,

Matthew Metelitz | Environmental Scientist
Division of Financial Assistance - Environmental Review Unit
State Water Resources Control Board
1001 I St. 16th floor, Sacramento, CA 95814
916.322.0355 | CWSRF – Grants and Loans Resources

**Septic to Gravity Sewer Conversion Project
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State Water Resources Control Board

Armando Fernandez
City of Santa Ana Public Works Agency, Water Resources Division
20 Civic Center Plaza
Santa Ana, CA 92701

Dear Mr. Fernandez:

:
MITIGATED NEGATIVE DECLARATION (MND) FOR CITY OF SANTA ANA (CITY);
SEPTIC TO GRAVITY SEWER CONVERSION PROJECT (PROJECT); ORANGE
COUNTY; STATE CLEARINGHOUSE NO. 2020100428

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-8478-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the MND to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to The State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

1-2

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



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Armando Fernandez

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11/06/2020

It is important to note that prior to a CWSRF financing commitment, projects that are subject to provisions of the Federal Endangered Species Act (ESA), must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will coordinate with the USEPA to consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

1-3

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

1-4

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

1-5

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (Negative Declaration, MND or Environmental Impact Report) or in a separate report.
- B. A public hearing or meeting for adoption/certification of CEQA documents except for those with little or no environmental impacts.

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Armando Fernandez

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11/06/2020

- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

1-5
cont.

Please provide us with the following documents applicable to the proposed Project following the City's CEQA process: (1) one copy of the draft and final MND, (2) the resolution adopting/certifying the MND and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the Orange County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

1-6

**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

Armando Fernandez

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11/06/2020

Thank you for the opportunity to review the City's draft MND. If you have any questions or concerns, please feel free to contact me at (916) 322-0355, or by email at Matthew.Metelitz@waterboards.ca.gov, or contact Brian Cary at (916) 449-5624, or by email at Brian.Cary@waterboards.ca.gov.

Sincerely,

Matthew Metelitz
Environmental Scientist

Enclosures (2):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans

cc: State Clearinghouse
(Re: SCH# 2020100428)
P.O. Box 3044
Sacramento, CA 95812-3044

**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

Letter 1 Response to Comments

1-1.

The State Water Board's general comment on the project Draft Initial Study/Mitigated Negative Declaration is noted. No specific comments on the content of the MND are provided.

Attachment to State Water Board Transmittal

1-2.

This attachment provides additional guidance as to information needed to support a City application for funding pursuant to the Clean Water State Revolving Fund (CWSRF), but does not comment on the adequacy of the current MND under CEQA. The CWSRF Program is partially funded by the USEPA and requires additional California Environmental Quality Act (CEQA)-Plus environmental documentation and review. As noted in the attachment, the State Water Board is required to consult with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives would be addressed prior to the State Water Board approval of a CWSRF financing commitment for the proposed project.

1-3.

Due to the lack of habitat and the developed nature of the project area, no impacts to candidate, sensitive, or special status species are anticipated. The project site is located in a fully developed urban area in the Pasadena Street, Medford Avenue, Deodar Street, and 17th Street neighborhood within the City of Santa Ana. Proposed improvements would be below ground level and would be located within existing paved roads where there are no sensitive habitats.

1-4.

With regard to cultural resources, the project records search showed that a total of 6 cultural resources investigations have been conducted within the one-half-mile records search radius. The records search results show that 2 built environment cultural resources have been previously recorded within the one-half-mile records search radius: a Craftsman bungalow single family residence at 17391 E. Santa Clara Avenue (P30-161988) and Cavalry Church at 1010 N. Tustin Avenue (P30-177515). However, none of the previously recorded resources on file at the SCCIC are in or adjacent to the project area. No archaeological sites and no built environment resources have been recorded in the project area. The California Historic Property Data File (HPDF) also lists hundreds of historic-period buildings and structures in Santa Ana. However, none of these are in the project area. Overall, the records search results show that the project area has a low potential for subsurface prehistoric and historic period archaeological material. Pursuant to a CWSRF financing application, a Section 106 compliance report would be prepared.

Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration

With regard to identification of an Area of Potential Effects, the project improvements are largely confined to the paved local street sections in the neighborhood where sewer and water lines will be placed. The depth of excavations for pipeline placement is estimated at approximately 8 feet bgs. Pursuant to a CWSRF financing application, mapping of the Area of Potential Effects (APE), including construction and staging locations, and depth of excavation, would be provided.

1-5.

With regard to other federal environmental requirements pertinent to the project under the CWSRF Program, much of the information is available or can be discerned from the project MND (Attachment items A through I), as summarized below:

- A. With regard to an alternatives analysis, a 'no project alternative' would avoid project construction disturbances, but not meet any of the water quality objectives associated with septic to gravity sewer conversion.
- B. A public meeting will be held by the City to consider adoption of the project MND.
- C. The Air Quality Analysis in the MND provides information to demonstrate compliance with the Federal Clean Air Act.
- D. The project is not located within the California Coastal Zone.
- E. There are no portions of the project area identified as containing wetlands or U.S. waters.
- F. The project is located in an urbanized area and no conversion of farmlands would occur.
- G. The project is located within City residential streets and impacts to any trees that could provide habitat for migratory birds would be avoided.
- H. The project site is not within a flood hazard area (FEMA 2019) Once construction is completed all project areas would be paved and returned to their pre-project conditions. The project would comply with the Flood Plain Management Act.
- I. There are no Wild and Scenic Rivers in the vicinity of the project and no impact would occur.

1-6.

Pursuant to a CWSRF financing application, the City will provide the State Water Board with all of the listed documents and notices applicable to the proposed project.

**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

Letter 2 – Juaneño Band of Mission Indians, Acjachemen Nation, received November 10, 2020

From: Joyce Perry <kaamalam@gmail.com>
Sent: Tuesday, November 10, 2020 1:45 PM
To: Fernandez, Armando <AFernandez@santa-ana.org>
Subject: Septic to Gravity Sewer Conversion Project MND

Good Afternoon Mr. Fernandez,

I am writing on behalf of the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes in response to our Declaration of intent to adopt a MND for the Septic to Gravity Sewer Conversion Project. This project is taking place within the traditional cultural territory of our tribe. Please see the attached resolution from the County of Orange which recognized the Juaneno Band of Mission Indians- Acjachemen Nation as the indigenous people of Orange County as well as a [map of our traditional cultural territory](#).

2-1

We find the wording of TCR-1 and TCR-2 to be unacceptable. As this is a shared territory, and sensitive to our tribe, we ask that all Tribes culturally affiliated with this area are given the opportunity and equal consideration for monitoring. Giving one tribe exclusive recognition and opportunity to monitor is unethical. We ask to monitor all ground disturbing activities that take place as a part of this project, and we ask that TRC-1 and TCR-2 are updated to read:

2-2

"The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes, and a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government."

2-3

"If the resources are Native American in origin, the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes and the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources."

Thank you and I look forward to hearing from you.

Húu'uni 'óomaqati yáamaqati.
Teach peace
Joyce Stanfield Perry
Payomkawichum Kaamalam - President
Juaneño Band of Mission Indians, Acjachemen Nation
Tribal Manager, Cultural Resource Director

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Letter 2 Response to Comments

2-1.

The comment that the project is taking place within the traditional cultural territory of the Juaneno Band of Mission Indians – Acjachemen Nation is noted.

2-2.

The Juaneno Band did not respond to the City's project notification and invitation to consult under AB 52 Tribal Cultural Resources in December 2019. Upon receiving the Notification of Intent to adopt the project Initial Study/Mitigated Negative Declaration, the Band has provided these comments concerning mitigation measures derived from consultation under AB 52 with the Gabrieleno Band of Mission Indians – Kizh Nation, also culturally affiliated with the territory encompassing the project.

In response to the Juaneno Band's comments, Mitigation Measures TCR-1, TCR-2 and TCR-6 have been modified to include the opportunity for the Juaneno Band's participation in monitoring of ground disturbing activities and coordination regarding treatment and curation in the event of unanticipated discovery of tribal cultural resources (Section 3. Errata and Changes to the Draft IS/MND).

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Letter 3 – Tustin Unified School District, received November 16, 2020



A Legacy of Excellence in Education

300 South C Street, Tustin, CA 92780-3695 • (714) 730-7301 • FAX (714) 731-5399 • www.tustin.k12.ca.us

November 16, 2020

City of Santa Ana Public Works Agency
20 Civic Center Plaza
Santa Ana, CA 92701
Attn: Armando Fernandez

SUBJECT: Comments on Notice of Intent to Adopt a Mitigated Negative Declaration for the Septic to Gravity Sewer Project

Dear Mr. Fernandez-

On behalf of the Tustin Unified School District (District), thank you for the opportunity to provide comments on the Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the Proposed Septic to Gravity Sewer Conversion Project (Project). The District offers the following comment on the NOI for the Project:

1. The District has students who reside in the Project area who are provided home-to-school transportation on a daily basis. Accordingly, the District requests a traffic control plan prior to the start of construction similar to the one described in Mitigation Measure HAZ-1, so that we can appropriately notify the affected families and plan our transportation accordingly. The plan can be provided to:

Sal Sanchez, Senior Director, Maintenance Operations & Facilities
Tustin Unified School District
1302 Service Road
Tustin, CA 92780

3-1

Thank you again for the opportunity to provide comments on the Project. If you have any further questions, I can be reached at (714) 730-7515, Extension 50404.

Sincerely,

Tom Rizzuti
Director, Facilities & Planning

Cc: Sal Sanchez, Senior Director, Maintenance Operations & Facilities

BOARD OF EDUCATION

Jonathan Abelove • Tammie Bullard • Lynn Davis • James Laird • Francine Scinto

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Letter 3 Response to Comments

3-1.

In response to this comment, the District will be notified and provided with a copy of the Traffic Control Plan (HAZ-1) in advance of the start of construction.

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Letter 4 – Orange County Fire Authority, received November 18, 2020

From: Rivers, Tamy <TamyRivers@ocfa.org>
Sent: Monday, November 9, 2020 10:26 AM
To: Fernandez, Armando <AFernandez@santa-ana.org>
Cc: Distaso, Robert <RobertDistaso@ocfa.org>
Subject: Septic to Gravity Sewer Conversion Project Notice of Intent to Adopt a Mitigated Negative Declaration (MND)

Thank you for the opportunity to review the subject document. OCFA has no comments.

4-1



Tamera Rivers
Management Analyst
Orange County Fire Authority
Office: 714-573-6199
tamyivers@ocfa.org

In service of others!

**Septic to Gravity Sewer Conversion Project
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Letter 4 Response to Comments

4-1.

Orange County Fire Authority (OCFA) has no comments.

**Septic to Gravity Sewer Conversion Project
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Letter 5 – Caltrans, received November 18, 2020

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
1750 EAST 4TH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
FAX (657) 328-6522
TTY 711
www.dot.ca.gov/caltrans-near-me/district12



*Making Conservation
a California Way of Life.*

November 18, 2020

Mr. Armando Fernandez
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92701

File: IGR/CEQA
SCH#: 2020100428
DOC#: 12-ORA-2020-01502
SR 55

Dear Mr. Fernandez,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Mitigated Negative Declaration (MND) for the proposed Septic to Gravity Sewer Conversion Project. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

5-1

The project proposes to provide maintenance to sewage facilities on 17th Street. The project is located on 17th Street in the City of Santa Ana, near Caltrans facility State Route 55 (SR 55). Caltrans is a commenting agency and has the following comments:

NPDES:

1. The project included general language on Water Quality impact as a result of the proposed project construction. The MND mentions that standard BMPs will be used but includes no specifics to further address "erosion and siltation" impacts. The Water Quality section of the MND doesn't mention any compliance with regulatory requirements issued by the local RWQCB and fails to mention if the city will comply with County of Orange MS4 NPDES permit requirements.

5-2

The discussion only mentioned silt and erosion as potential pollutants of concern but does not address the handling of non-storm water runoff discharges that can occur with this type of work. These discharges include non-storm water discharges from saw cutting asphalt concrete to install new sewer lines under the pavement. It fails to mention if groundwater will be encountered during the installation of new pipes and if so, how groundwater discharges will be handled to meet local RWQCB permit

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

Mr. Fernandez
November 18, 2020
Page 2

requirements. Provide clarification on the issues brought up on groundwater discharges.

5-2
cont.

Permits:

2. Any project work proposed in the vicinity of the State ROW would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

5-3

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Jude Miranda at (657) 328-6229 or Jude.Miranda@dot.ca.gov.

Sincerely,



SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

Letter 5 Response to Comments

5-1.

The project proposes sewer and water connections at the intersection of 17th Street and Deodar Street, as depicted in Figure 2. Project Location and Figure 3. Site Plan in the Draft IS/MND. This connection is estimated to be approximately 140 feet west of the SR 55 SB offramp to 17th Street at its nearest point. The project does not anticipate a need to encroach on SR 55 right-of-way (ROW).

5-2.

Regarding NPDES, development of the proposed project would abide by requirements of the statewide National Pollutant Discharge Elimination System (NPDES) stormwater permit for construction activity (Order 98-08 DWQ), Construction of the proposed project would be required to comply with the Construction General Permit, either through a waiver or through preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Best Management Practices (BMPs) are included as part of the Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed project and would be implemented to manage erosion and the loss of topsoil during construction-related activities. The project will implement standard construction operating procedures and will conform with NPDES requirements. The proposed project's grading/trenching plan would also ensure that the proposed earthwork is designed to avoid soil erosion. As a co-permittee under the County of Orange MS4 NPDES permit, the City will comply with the MS4 permit requirements.

According to the project specific geotechnical report (AESCO 2019), regional groundwater data indicates groundwater in the project vicinity is generally less than 40 feet bgs, and groundwater was not encountered during the project subsurface investigations at a maximum boring depth of 15 feet. Because pipeline trenching activities are not expected to exceed 8 feet bgs, groundwater is not anticipated to be encountered during the excavation of the proposed improvements.

5-3.

Regarding Permits, see response 5-1 regarding project proximity to the State ROW. In the event proposed work would need to encroach within the State ROW, the City will coordinate with Caltrans to assure that any additional documentation would be provided to support a permit. In addition, the City will provide Caltrans with an opportunity to review the project Traffic Control Plan (HAZ-1).

SECTION 3. ERRATA AND CHANGES TO THE DRAFT IS/MND

The Draft Initial Study/Mitigated Negative Declaration is updated to reflect the comment received from the San Manuel Band of Mission Indians on November 10, 2020. In response to the Juaneno Band's comments, Mitigation Measures TCR-1, TCR-2 and TCR-6 have been modified to include the opportunity for the Juaneno Band's participation in monitoring of ground disturbing activities and coordination regarding treatment and curation in the event of unanticipated discovery of tribal cultural resources.

The modifications are included below. The full list of Mitigation Measures for Tribal Cultural Resources can be found on page 3 of this Final IS/MND.

TCR-1: Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government, and a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes. The Tribal monitor/consultant is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined ~~by the Gabrieleño Band of Mission Indians-Kizh Nation~~ as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding

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sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

TCR-6: Kizh-Gabrieleno Procedures for burials and funerary remains: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. If a Tribe other than the Kizh is named as the Most Likely Descendent by the NAHC, then the landowner will consult with the appropriate Tribe in conformance with State Law.

SECTION 4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 Mitigation Monitoring and Reporting Requirements

Public Resources Code (PRC) Section 21081.6 (enacted by the passage of Assembly Bill [AB] 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a Responsible Agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the Lead Agency or a Responsible Agency, prepare and submit a proposed reporting or monitoring program.
- The Lead Agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a draft Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND), a Responsible Agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the Lead Agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the Responsible Agency or agency having jurisdiction over natural resources affected by the project, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a Lead Agency by a Responsible Agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures that mitigate impacts to resources, which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a Responsible Agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the Responsible Agency or agency having jurisdiction over natural resources affected by a project, or the authority of the Lead Agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

4.2 Mitigation Monitoring and Reporting Procedures

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with PRC Section 21081.6. It describes the requirements and procedures to be followed by the City of Santa Ana to ensure that all mitigation measures or required project design features (PDF) adopted as part of the proposed project will be carried out as described in this IS/MND. Table 4.2-1 lists each of the mitigation measures or project design features specified in this document and identifies the party or parties responsible for implementation and monitoring of each measure.

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**Table 4.2-1
Septic to Gravity Sewer Conversion Project
Mitigation Monitoring and Reporting Program**

Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
1. Aesthetics			
The proposed project would not result in significant adverse impacts related to aesthetics. No mitigation would be required.			
2. Agricultural and Forestry Resources			
The proposed project would not result in significant adverse impacts related to agriculture and forest resources. No mitigation would be required.			
3. Air Quality			
The proposed project would not result in significant adverse impacts related to air quality. No mitigation would be required.			

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
4. Biological Resources			
The proposed project would not result in significant adverse impacts related to biological resources. No mitigation would be required.			
5. Cultural Resources			
The proposed project would not result in significant adverse impacts related to cultural resources. No mitigation would be required.			
6. Energy			
The proposed project would not result in significant adverse impacts related to energy. No mitigation is required.			

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
7. Geology and Soils			
GEO-1: Unanticipated Discovery – Paleontological Resources. If paleontological resources (i.e., fossil remains) are discovered during excavation activities, the contractor will notify the City and cease excavation within 100 feet of the find until a qualified paleontological professional can provide an evaluation of the site. The qualified paleontological professional will evaluate the significance of the find and recommend appropriate measures for the disposition of the site (e.g. fossil recovery, curation, data recovery, and/or monitoring). Construction activities may continue on other parts of the construction site while evaluation and treatment of the paleontological resource takes place.	Director of the City of Santa Ana Public Works Agency, or designee	Prior to issuance of grading permits	
8. Greenhouse Gas Emissions			
The proposed project would not result in significant adverse impacts related to greenhouse gas emissions. No mitigation would be required.			

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
9. Hazards and Hazardous Materials			
HAZ-1: Traffic Control Plan. Prior to construction, the City of Santa Ana (or its contractor) shall prepare a Traffic Control Plan to ensure proper access to residences and businesses in the area by emergency vehicles during construction and to maintain traffic flow. The Traffic Control Plan shall be approved by the City of Santa Ana prior to any lane closures.	City of Santa Ana Engineer, or designee	Prior to construction	
10. Hydrology and Water Quality			
The proposed project would not result in significant adverse impacts related to hydrology and water quality. No mitigation would be required.			
11. Land Use and Planning			
The proposed project would not result in significant adverse impacts related to land use and planning. No mitigation would be required.			

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
12. Mineral Resources			
The proposed project would not result in significant adverse impacts related to mineral resources. No mitigation would be required.			
13. Noise			
<p>NOI-1: The Project construction and improvement plans will include the following requirements for construction activities:</p> <ul style="list-style-type: none"> • Construction contracts must specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices. • A sign, legible at a distance of 50 feet, shall be posted at the Project construction site providing a contact name and a telephone number where residents can inquire about the construction process and register complaints. This sign shall indicate the dates and duration of construction activities. In conjunction with this required posting, a noise disturbance coordinator will be identified to address any construction noise concerns 	Director of the City of Santa Ana Public Works Agency, or designee	Prior to commencement of any ground disturbing activities/During project excavation and grading activities	

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
<p>received. The coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the disturbance coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the City. All signs posted at the construction site shall include the contact name and the telephone number for the noise disturbance coordinator.</p> <ul style="list-style-type: none"> • Identification of construction noise reduction methods. These reduction methods may include shutting off idling equipment (5 minutes), installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and using electric air compressors and similar power tools. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. 			

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
<ul style="list-style-type: none"> Per Section 18-314 of the City's Municipal Code, construction shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. on weekdays or Saturday, or any time on Sunday or federal holidays 			
<p>NOI-2: In order to reduce construction noise, during the demolition, site preparation, trenching, painting and paving phases, a temporary noise barrier or enclosure should be positioned between Project construction and the residences in a manner that breaks the line of sight between the construction equipment and these residences to the extent feasible. The composition, length, height, and location of noise control barrier walls should be adequate to assure proper acoustical performance and withstand structural failure.</p>	Director of the City of Santa Ana Public Works Agency, or designee	Prior to commencement of any ground disturbing activities/During project excavation and grading activities	
14. Population and Housing			
The proposed project would not result in significant adverse impacts related to population and housing. No mitigation would be required.			

Septic to Gravity Sewer Conversion Project
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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
15. Public Services			
The proposed project would not result in significant adverse impacts related to public services and utilities. No mitigation would be required.			
16. Recreation			
The proposed project would not result in significant adverse impacts related to recreation. No mitigation would be required.			
17. Transportation			
The proposed project would not result in significant adverse impacts related to transportation. No mitigation would be required.			

Septic to Gravity Sewer Conversion Project
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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
18. Tribal Cultural Resources			
<p>TCR-1: Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government, and a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes. The Tribal monitor/consultant is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities</p>	Director of the City of Santa Ana Public Works Agency, or designee	Prior to commencement of any ground disturbing activities/During project excavation and grading activities	

**Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration**

Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
<p>are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.</p>			
<p>TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneno Band of Mission Indians, Acjachemen Nation - Belardes shall coordinate with the</p>	<p>Director of the City of Santa Ana Public Works Agency, or designee</p>	<p>Prior to commencement of any ground disturbing activities/During project excavation and grading activities</p>	

Septic to Gravity Sewer Conversion Project
Final Initial Study/Mitigated Negative Declaration

Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
<p>landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.</p>			
<p>TCR-3: Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit</p>	<p>Director of the City of Santa Ana Public Works Agency, or designee</p>	<p>During project excavation and grading activities</p>	

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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
<p>institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</p>			
<p>TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.</p>	<p>Director of the City of Santa Ana Public Works Agency, or designee/County Coroner</p>	<p>During project excavation and grading activities (if human remains are identified)</p>	

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<p>TCR-5: Resource Assessment & Continuation of Work Protocol: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).</p>	<p>Director of the City of Santa Ana Public Works Agency, or designee</p>	<p>During project excavation and grading activities</p>	
<p>TCR-6: Kizh-Gabrieleno Procedures for burials and funerary remains: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of</p>	<p>Director of the City of Santa Ana Public Works Agency, or designee</p>	<p>During project excavation and grading activities (if human remains are identified)</p>	

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<p>human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. If a Tribe other than the Kizh is named as the Most Likely Descendent by the NAHC, then the landowner will consult with the appropriate Tribe in conformance with State Law.</p>			
<p>TCR-7: Treatment Measures: Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours.</p>	<p>Director of the City of Santa Ana Public Works Agency, or designee</p>	<p>Prior to commencement of any ground disturbing activities/During project excavation and grading activities</p>	

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<p>The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>			

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19. Utilities and Service Systems			
The proposed project would not result in significant adverse impacts related to utilities/service systems. No mitigation would be required.			
20. Wildfire			
The proposed project would not result in significant adverse impacts related to wildfire. No mitigation would be required.			