



*"Small Town Atmosphere
Outstanding Quality of Life"*

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

LEAD AGENCY: Town of Danville -- (Steven Jones)

NAME OF PROJECT: C-593 -- Front Street Restoration and Bank Repair Project

PROJECT SPONSER: Town of Danville
Development Services Department
510 La Gonda Way
Danville, CA 94526

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PROJECT LOCATION: Front Street at San Ramon Creek, just north (approximately 350 feet) of Diablo Road (see Figure 1)

PROJECT DESCRIPTION:

The project site encompasses a section of the creek's southwestern embankment that has been subject to landsliding. The landslide was triggered following a large storm in December 2014. The landslide movement occurred near a soldier pile wall installation that was constructed in an adjacent area where landsliding occurred along the reach in December 2008. Currently, the landslide does not appear to be undermining Front Street. However, some moderate distress (surface cracks) is noticeable on the existing street pavement located adjacent to the slope failure. Without the repair of the landslide, additional saturation of the creek bank could cause further landsliding, resulting in potential damage to the roadway as well as overhead power lines that are located directly above and parallel to the creek side curb along Front Street.

The Front Street Restoration and Bank Stabilization project would improve the slope stability where landsliding has occurred, and improve habitat values in the area by laying back the very steep side slopes in this reach of the creek to an inclination of 2:1 (Horizontal:Vertical). A soldier pile wall with concrete lagging and tie-backs would be built near the top of bank in order to stabilize Front Street. A buried rock veneer would extend along the new bank from the soldier pile wall to below the flowline of the creek

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as a scour countermeasure; however, rock placement would be setback horizontally from the creek low-flow channel. The planned wall and slope stability improvements would conform to existing repairs which have been completed on either side of the project site, reducing further stream flow impacts in this reach of the creek and the need for future maintenance activities in the project area.

The project would include minor vegetation removal and replanting. Revegetation of the site's repaired slopes would replace existing non-native plant species with native plant species along the reshaped creek bank. This would involve removal of Chinese trees-of-heaven (*Ailanthus* spp.), black locust (*Robinia* spp.) trees, and coyote brush (*Baccharis* spp.) that have established in the reach of creek. Revegetation plans also include the replacement of two oak trees (*Quercus* spp.) and two bay laurel trees (*Umbellularia* spp.) at a minimum.

ENVIRONMENTAL EFFECTS/MITIGATION MEASURES:

4. BIOLOGICAL RESOURCES

BIO-1: Conservation Measures Specified by USFWS. *Consistent with these measures, the following measures shall be implemented:*

- a. Compliance with the Programmatic Biological Opinion. *No more than 30 calendar days prior to the initiation of ground-disturbing activities, the name and telephone number of applicant's point of contact shall be submitted to the USFWS, along with a signed letter verifying that the applicant has read and understands the responsibilities outlined in the Programmatic Biological Opinion.*
- b. Seasonal Avoidance. *Work below the top of bank shall be limited to the period between April 1 to October 31, during which the species is least likely to move through the project site.*
- c. Climatic Conditions. *To the maximum extent practicable, no construction activities shall occur during rain events or within 24-hours following a rain event. Prior to construction activities resuming, a USFWS-approved biologist (see below) shall inspect the action area and all equipment/materials for the presence of California red-legged frogs.*
- d. Minimize Nighttime Work. *To the maximum extent practicable, night-time construction shall be minimized or avoided by the applicant. Because dusk and dawn are often the times when the California red-legged frog is most actively moving and foraging, to the maximum extent practicable, earthmoving and construction activities will cease no less than 30 minutes before sunset and will not begin again prior to no less than 30 minutes after sunrise. Except when necessary for driver or pedestrian safety, to the maximum extent practicable, artificial lighting at a project site will be prohibited during the hours of darkness.*

- e. Designated Biologist. The names and qualifications of each biologist that will serve as a monitor for the project shall be submitted to the USFWS and CDFW no less than 30 calendar days prior to the initiation of ground-disturbing activities. The approved project biologist(s) shall keep a copy of the Programmatic Biological Opinion in his/her possession whenever working on site.
- f. California Red-Legged Frog Relocation Protocol. Prior to the initial ground disturbance, the applicant will obtain approval of the relocation protocol from the Service in the event that a California red-legged frog is encountered and needs to be moved away from the project site. Under no circumstances will a California red-legged frog be released on a site unless the written permission of the landowner has been obtained by the applicant.
- g. Preconstruction Surveys. Preconstruction surveys for California red-legged frog, Pacific pond turtle and other native aquatic species (e.g., fish) shall be conducted by the USFWS-approved biologist no more than 24-hours prior to the initiation of any ground-disturbing activities. Preconstruction surveys shall consist of walking the project limits and within the project site to ascertain the possible presence of the species. The USFWS-approved biologist(s) shall investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows, such as California ground squirrels or gophers. If any adults, subadults, juveniles, tadpoles, or eggs are found, the USFWS-approved biologist(s) shall contact the USFWS to determine if moving any of the individuals is appropriate.
- h. Construction Monitoring. The USFWS-approved biologist(s) shall be present on site during all activities that may result in take of the California red-legged frog. Trenches or pits left uncovered for 48 hours or more shall be inspected by the USFWS-approved biologist(s) immediately prior to filling or further excavation.
- i. Communications and Authorities. The USFWS-approved biologist(s) shall be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with construction personnel, any other person(s) at the project site, otherwise associated with the project, the USFWS, CDFW, or their designated agents. The Service-approved biologist will have oversight over implementation of all the conservation measures in the programmatic biological opinion, and, through the applicant, will have the authority and responsibility to stop project activities if they determine any of the associated requirements are not being fulfilled. If the USFWS-approved biologist(s) exercises this authority, the USFWS shall be notified by telephone and electronic mail within twenty-four (24) hours. The USFWS contact is the Coast Bay Foothills Division Chief of the Endangered Species Program at the Sacramento Fish and Wildlife Office at telephone (916) 414-6600.
- j. Onsite Construction Personnel Education Program. Before commencement of ground-disturbing activities, the USFWS-approved biologist(s) shall conduct an environmental awareness program for all construction personnel. At a minimum the training shall include a description of the California red-legged-frog, avoidance, minimization, and conservation measures, legal protection of the animal, work boundaries, lines of communication, reporting requirements, and the implications of violations of applicable laws. Attendees shall sign an attendance sheet and include their printed name, company or agency, email address, and

telephone number. The original sign-in sheet will be sent to the USFWS within seven (7) calendar days of the completion of the training.

- k. Wildlife Exclusion Fencing. Prior to the start of construction, wildlife exclusion fencing (WEF)¹ shall be installed to isolate the work area from any habitats potentially supporting special-status animals or areas through which such species may move. The actual placement of WEF shall be based on site conditions and the best judgment of the USFWS-approved biologist. The final project plans shall indicate where and how the WEF is to be installed. Special provisions shall be added to the bid solicitation package to provide instructions to the contractor about acceptable fencing material. The fencing shall remain throughout the duration of the work activities, and be regularly inspected and properly maintained by the contractor. Fencing and stakes shall be completely removed following project completion.
- l. Dewatering. During dewatering, intake pumps shall be completely screened with wire mesh not larger than 5 mm (1/4 in) to prevent California red-legged frog larvae or native fish from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.
- m. Best Management Practices. Erosion control BMPs shall be developed and implemented to ensure that there is no release of contaminants into the stream and that all materials used are not likely to be injurious to wildlife. At the very least, protective measures shall include the following:
 - i. No discharge of pollutants from vehicle or equipment cleaning will be allowed into any storm drains or watercourses.
 - ii. Vehicle and equipment fueling and maintenance operations will be at least 50 feet away from watercourses, except at established commercial gas stations or established vehicle maintenance facilities.
 - iii. Construction equipment shall be well-maintained to prevent leaks of fuel, lubricants, or other fluids.
 - iv. Concrete waste and water from curing operations will be collected in washouts and will be disposed of and not allowed into water courses.
 - v. Spill containment kits will be maintained onsite at all times during construction operations and/or staging or fueling of equipment.
 - vi. Dust control measures will include use of water trucks and organic tackifiers to control dust in excavation-and-fill areas, covering temporary access road entrances and exits

¹ WEF should provide a barrier for terrestrial wildlife gaining access to the project work areas. The fencing may vary to meet the needs of a particular species, but should be buried and/or backfilled to prevent animals passing under the fence and should be high enough to deter reptiles, amphibians or small mammals from climbing or jumping over the fence. Acceptable fencing materials include Animex® animal exclusion fencing, ERTEC E-Fence®, plywood, corrugated metal, silt fencing or other suitable materials.

with rock (rocking), and covering of temporary stockpiles when weather conditions require it.

- n. Construction Site Restrictions. *The following site restrictions shall be implemented to avoid adversely affecting sensitive habitats and harm or harassment to listed species:*
 - i. *Any fill material shall be certified to be non-toxic and weed free.*
 - ii. *All food and food-related trash items shall be enclosed in sealed trash containers and removed completely from the site at the end of each day to avoid attracting predators.*
 - iii. *No pets from project personnel shall be allowed anywhere in the project site during construction.*
 - iv. *No firearms shall be allowed on the project site except for those carried by authorized security personnel, or local, State or Federal law enforcement officials.*
- o. Proper Use of Erosion Control Devices. *To prevent California red-legged frog, Pacific Pond Turtle or any other native wildlife species from becoming entangled, trapped or injured, erosion control materials utilizing polypropylene netting will not be used within the action area. This includes products that use photodegradable or biodegradable synthetic netting, which can take several months to decompose. Acceptable materials include natural fibers such as jute, burlap, or tackified hydroseeding compounds.*
- p. Protocol for Species Observation - California red-legged frog. *If California red-legged frogs in any life stage are encountered in the project site, all activities that have the potential to result in harassment, injury, or death must cease immediately. Any observations of California red-legged frog require the immediate notification of the USFWS by calling (916) 930-5603. Individuals may not be handled, relocated, shooed away or otherwise harassed. Based on the professional judgment of the USFWS-approved Biological Monitor and pending authorization from the USFWS, work may only proceed if project activities can be conducted without harming or harassing the detected species. All project personnel shall be notified of the finding and at no time may work occur within 15 m (50 ft) of the individual without a Biological Monitor present.*
- q. Protocol for Species Observation – Pacific Pond Turtle. *If a Pacific Pond Turtle is encountered in the project site, work must cease immediately until the animal either moves out of harm's way of its own accord or is safely relocated well upstream or downstream of the project site. Only a qualified biologist with a scientific collection permit issued by the CDFW may handle and relocate Pacific Pond Turtle. Any sightings and relocation of Pacific Pond Turtle shall be reported to the CDFW and the CNDDDB.*
- r. Protocol for Species Observation – Fish. *In portions of the channel subject to water diversions, a CDFW-approved biologist shall be present to capture and move all stranded native aquatic life. Native species (with the exception of those protected under federal or State law) shall be captured and immediately relocated downstream of the work area. Exotic species and especially predators such as bullfrogs, crayfish, and centrarchid fishes shall be removed and euthanized in conformance with the CFGC; they may not be relocated into any natural water course.*

BIO-2: Protection of Special-status Bird Species. In order to minimize and avoid impacts on special-status bird species, the following measures shall be implemented:

- a. White-tailed Kite. White-tailed kite is a State-listed fully protected species and incidental take of the species is not allowed. If an active nest is present on site, work may not proceed. If an active nest is found within 32 m (300 ft) of the project site, the nest must be monitored by a qualified biologist for the duration of construction activities or until young birds have fledged, in consultation with the CDFW (see #5. below).
- b. Raptor Nests. Prior to the removal or significant pruning of any trees, they should be inspected by a qualified biologist for the presence of raptor nests. This is required regardless of season. If a suspected raptor nest is discovered, the CDFW should be notified. Pursuant to CFGC Section 3503.5, raptor nests, whether or not they are occupied, may not be removed until approval is granted by the CDFW.
- c. Site Clearing – Non-Breeding Season. If clearing, grubbing or tree removal/pruning are to be conducted outside of the breeding season (i.e., September 1 through January 31), no preconstruction surveys for nesting migratory birds is necessary.
- d. Site Clearing – Breeding Season. If clearing and grubbing and tree removal or pruning are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey should be conducted. The survey should be performed by a qualified biologist no more than two weeks prior to the initiation of work. If no nesting or breeding activity is observed, work may proceed without restrictions. To the extent allowed by access, all active nests identified within 76 m (250 ft) for raptors and 15 m (50 ft) for passerines should be mapped.
- e. Active Nesting. For any active nests found near the construction limits (76 m [250 ft] for raptors and 15 m [50 ft] for passerines) a qualified biologist should make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction is unlikely to disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, a no-construction buffer zone should be designated on the grading plans. Avoidance of impacts on nesting migratory birds is the only acceptable mitigation; take of nesting birds is a violation of State and federal law. The ultimate size of the no-construction buffer zone may be adjusted by a qualified biologist based on the species involved, topography, lines of site between the work area and the nest, physical barriers, and the ambient level of human activity. Site evaluations and buffer adjustments should be made in consultation with the CDFW and/or the USFWS Division of Migratory Bird Management, as appropriate. If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the qualified biologist determines that the nest is long longer occupied.
- f. Nest Monitoring. If construction activities must occur within the optimal no-construction buffer zone, a qualified biologist should monitor the nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction activities may lead to nest

abandonment, work must cease immediately and the CDFW and/or the USFWS Division of Migratory Bird Management should be contacted for guidance.

BIO-3: Protection of Special-status Bat Species. *In order to minimize and avoid impacts to special-status bat species, the following measures shall be implemented:*

- a. *Bat Habitat Assessment. If work is to take place during the bat breeding season (April 1 through August 31), a qualified biologist should conduct a survey of the project site and vicinity to determine if active maternity roosts are present. This survey should be conducted no more than 14 days prior to the initiation of work.*
- b. *Maternal Roosts. If any trees or structures are determined to support or potentially support maternal bat roosts, work may not proceed if it would destroy or disrupt breeding. Maternal bat roosts may only be removed or demolished after coordination with the CDFW and/or the USFWS. Passive exclusion of roosting bats would be required and this may only be performed during the non-breeding season (i.e., between October 1 and March 30).*
- c. *Preconstruction Survey. A preconstruction survey should be conducted by a qualified biologist to identify suitable bat roosting sites. The survey should be conducted no more than 48 hours prior to the initiation of work and should include an area extending up to 61 m (200 ft) of the limits of work, access permitting.*
- d. *Protocol for Observations of Live Bats. If live bats are detected in the work area, work may not proceed until CDFW has been consulted. Contractor or others may not attempt to disturb (e.g., shake, prod) roosting features to coax bats to leave. Such actions would constitute "harassment" under the CCR.²*
- e. *Day or Night Roosts. Any trees determined to provide suitable day or night roosting sites for bats should be identified and marked on site plans. Such roosting sites include snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, and openings leading to interior portions of any structures. If no suitable roost sites or evidence of bat roosting are identified, impact minimization measures are not warranted. If suitable roosting sites or evidence of bat roosting are identified, the following measures should be conducted in coordination with CDFW:*
 - i. *A qualified biologist should survey suitable roost sites immediately prior to the removal or significant pruning of any of the larger trees, or demolition or significant renovation of any structures.*
 - ii. *If the project biologist identifies suitable day or night roost sites or evidence of bat occupation, the following steps should be followed to discourage use of the sites by bats and to ensure that any bats present are able to safely relocate.*

² 14 CCR § 251.1 states: Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering.

- *Tree limbs smaller than 7.6 cm (3 in) in diameter should be removed and any loose bark should be peeled away.*
- *Any competing limbs that provide shelter around the potential roost site should be removed to create as open of an area as possible.*
- *The tree should then be alone to allow any bats using the tree/snag to find another roost during their nocturnal activity period.*
- *Trees should be re-surveyed 48 hours after trimming.*
- *If no bats are present, work may proceed.*
- *If bats remain on site, additional measures would be prescribed by the biologist.*

BIO-4: Protection of Special-status Mammal Species. *In order to minimize and avoid impacts to the San Francisco dusky-footed woodrat, the following measures shall be implemented:*

- a. *Pre-Construction Surveys. A pre-construction wildlife survey shall be performed at the project site to search for woodrat nests. If no nests are detected, no further avoidance measures are warranted.*
- b. *Nest Detection and Avoidance. If a woodrat nest is detected, it shall be mapped in relation to the proposed limits of work. If the nest can be avoided, it shall be isolated from the work zone by installation of wildlife exclusion fencing, as described above.*
- c. *Nest Removal – Non-Breeding Season. If a woodrat nest is detected in the work zone and it cannot be avoided, site clearing shall be performed during the non-breeding season (e.g., September 1 through November 30). During the non-breeding season, the nest shall be disassembled by hand and the nest materials (e.g., sticks) removed and disposed of off-site. Any adult animals present shall be permitted to disperse into adjacent habitat. This work may only be performed by a qualified biologist in coordination with the CDFW.*
- d. *Nest Removal – Breeding Season. If site clearing must proceed during the breeding season, it will be necessary to determine whether or not the nest is occupied. This may be done by direct observation over the course of at least two evenings no more than 48 hours prior to nest disassembly. Direct observation may consist of installation of wildlife cameras at the nest or by a biologist on the ground. If no animals are observed, the nest may be disassembled by hand. If, during the process of disassembling the nest, live animals are encountered, nest materials shall be replaced on top of the nest and the effort abandoned. Nest may not be disassembled if young woodrats are present. Construction must then be postponed until the end of the breeding season.*

BIO-5: Protection of Riparian Habitat. *In order to compensate for impacts to riparian trees and channel bank vegetation, the following measures shall be implemented:*

- a. *Revegetation. A Revegetation and Monitoring Plan has been developed to restore native riparian vegetation on the landslide repair site (Wood Biological Consulting Inc., 2015b). As compensation for temporary and permanent impacts on native trees and the riparian*

- environment resulting from the proposed slope repair, a 61 cm (2 ft) thick layer of topsoil will be placed on top of loose rock slope protection. To accommodate the planting of trees through the rock, tree wells will be installed providing contact with the native, underlying earth. The earthen cover will be planted and seeded with native species.*
- b. Area to be Revegetated. A total area of 439 m² (4715 ft²) of riparian habitat will be restored on the left (west) bank of San Ramon Creek.*
 - c. Tree Replacements. Replacement trees shall be installed for trees with a dbh³ of 10 cm (4 in) or greater at a ratio of at least 6:1 for native oaks, 3:1 for other native trees and 2:1 for nonnative trees (excluding species considered invasive by the California Invasive Plant Council⁴). Additional conditions may be imposed by the regulatory agencies.*
 - d. Long-Term Monitoring. Long-term monitoring of the revegetation effort shall be conducted for a minimum of five years after installation.*
 - e. Reporting. Site monitoring observations and the results of the habitat monitoring effort shall be presented in annual reports to be submitted to the USACE, CDFW, and RWQCB no later than December 31 of each year. Annual reports shall describe conditions on site, present a summary of the monitoring data, identify problems, and outline any remedial measures implemented or needed. The reports will include photographs of the revegetation area and representative species.*
 - f. Performance Standards. The revegetation effort shall be considered successful if, at the end of the five-year establishment period, the plantings are self-sustaining (i.e., able to survive without supplemental irrigation or human intervention), and plant survivorship and growth data illustrate a positive trend. At a minimum, the project may be deemed successful if at the end of five years, 100% of the trees and 80% of the planted shrubs and vines have survived, and growth parameters (i.e., tree stem diameter, plant height, and canopy spread) have increased by at least 100% compared to the first year of monitoring.*

BIO-6: Wetlands Protection. *To preserve downstream water quality and reduce impacts on wetlands to a less-than-significant level, the following mitigation measures shall be implemented:*

- a. Prior to construction, the project proponent will need to secure authorization from the USACE, CDFW and RWQCB in conformance to the federal Clean Water Act and the State Lake and Streambed Alteration Program.*
- b. As compensatory mitigation for temporal and permanent impacts on riparian habitat and native trees, the restoration and monitoring plan, as submitted to and approved by the regulatory agencies, shall be implemented. Any additional mitigation measures*

³ Diameter at breast height, usually considered to be 1.4 m (4.5 ft) above ground surface.

⁴ Refer to the Cal-IPC Inventory available online at <http://www.cal-ipc.org/pal/>

stipulated by the regulatory agencies and incorporated as permit conditions shall be implemented, see section b), above.

- c. *Best management practices (BMPs) shall be incorporated into the project design to minimize environmental effects. These shall include the following:*
 - i. *Construction in the active channel shall be restricted to the dry season (April 15-October 15).*
 - ii. *Personnel conducting ground-disturbing activities within or adjacent to the buffer zone of wetlands, ponds, streams, or riparian woodland/scrub shall be trained by a qualified biologist to ensure compliance with all permit conditions.*
 - iii. *If dewatering is necessary, water released downstream of work areas shall be as clean as or cleaner than flows entering the work area. Sediment-laden water shall be either pumped onto a suitable upland site for infiltration or into Baker tanks for settling, prior to being released back into the channel. Cofferdams shall consist of clean, silt-free sand or gravel in sand bags, or a comparable material. Cofferdams and non-natural materials must be promptly removed when no longer needed.*
 - iv. *All wetlands, ponds, streams, and riparian woodland/scrub to be avoided by covered activities shall be identified in the field by a qualified biologist and isolated by the use of high visibility construction fencing. Temporary construction fencing and stakes must be removed upon the completion of work.*
 - v. *Grading or construction near channels shall be isolated with silt fencing to prevent sedimentation. Silt fencing shall be regularly inspected.*
 - vi. *Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas.*
 - vii. *All equipment shall be maintained such that there are no leaks of automotive fluids such as gasoline, oils or solvents and a Spill Response Plan shall be prepared. Hazardous materials such as fuels, oils, solvents, etc. shall be stored in sealable containers in a designated location that is isolated from wetlands and aquatic habitats.*
 - viii. *Servicing of vehicles and construction equipment including fueling, cleaning, and maintenance shall occur only at sites isolated from any aquatic habitat unless separated by topographic or drainage barrier or unless it is an already existing gas station. Staging areas may occur closer to the project activities as required.*

- ix. *Concrete washings may not be permitted to enter any stream channel or storm drain inlet.*
 - x. *Any concrete structures must be allowed to cure before coming in contact with storm flows.*
 - xi. *Construction debris and materials shall be stockpiled away from watercourses.*
 - xii. *Appropriate erosion-control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on site to prevent siltation and runoff of contaminants into wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh shall be of material that will not entrap reptiles and amphibians. Erosion control blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians. Erosion control measures shall be placed between the outer edge of the buffer zone and the project site.*
 - xiii. *Fiber rolls or straw wattles shall be installed along or at the base of slopes during construction to capture sediment. All erosion control fabrics and materials may not be constructed with monofilament netting which does not bio-degrade and can trap wildlife; appropriate alternative materials are burlap or other natural fiber. Erosion control materials must be certified as free of noxious weed seed.*
 - xiv. *Construction staging areas shall be sited above the top of bank and outside of any wetlands or other sensitive habitats as identified by a qualified biologist.*
 - xv. *Only clean rock shall be used for rock slope protection.*
 - xvi. *Newly graded earthen channel slopes shall be revegetated with a native seed mix. Seed mixtures applied for erosion control shall not contain invasive nonnative species and shall be composed of native species or sterile non-native species. Straw or mulch shall also be applied to all bare surfaces. The seed mix and mulch shall be applied prior to the onset of the first winter-season rains.*
- d. *Herbicide shall not be applied within 30 m (100 ft) of wetlands, ponds, streams, or riparian woodland/scrub; however, where appropriate to control serious invasive plants, herbicides that have been approved for use by EPA in or adjacent to aquatic habitats may be used as long as label instructions are followed and applications avoid or minimize impacts on covered species and their habitats. In seasonal or intermittent stream or wetland environments, appropriate herbicides may be applied during the dry season to control non-native invasive species (e.g., tree-of-heaven, black locust, periwinkle). Herbicide drift shall be minimized by applying the herbicide as close to the target area as possible.*

BIO-7: Replacement of Protected Trees. *In order to mitigate for incidental impacts to protected trees, the following measures shall be implemented:*

- a. Permits. *The Town of Danville shall obtain a tree removal permit, as appropriate, pursuant to Danville Municipal Code §32-79.*
- b. Tree Replacements. *Impacts to trees with a dbh \geq 4" will be compensated for by the onsite planting of replacement trees at a 6:1 ratio for oaks and at a 3:1 ratio for other native species. There would be no replacements installed for impacts to invasive non-native tree species as their eradication is considered to improve the riparian habitat. Because project implementation would impact two native oaks and three other native trees, a minimum of 21 replacement trees would be planted on the restored section of creek bank.*
- c. Revegetation. *A Revegetation and Monitoring Plan has been developed to restore native riparian vegetation on the landslide repair site (Wood Biological Consulting Inc., 2015b). In addition to the tree replacement plantings, the restored slope will be revegetated with a variety of native shrubs and vines, as well as a native seed mix.*
- d. Monitoring and Reporting. *The revegetation effort will be monitored by a qualified restoration ecologist for a period of at least five years after installation. Data on survivorship and plant growth will be collected annually. Annual reports will be submitted to the regulatory agencies.*
- e. Performance Standards. *The revegetation effort will be deemed successful if after five years, plant survivorship is 100% for trees and 80% for shrubs and vines; and if plant growth parameters have increased at least 100% compared to the Year 1 baseline measurements. If the performance standards are not met, remedial measures will be developed in consultation with the permitting agencies.*

5. CULTURAL RESOURCES

CUL-1: Monitoring of Soils Removal for Archaeological Resources. *A qualified archaeological monitor shall be retained to observe soils removal during the initial excavation stage of the project to search for buried deposits. In the event that any archaeological indicators (e.g. darker than surrounding soils of a friable nature, any concentrations of stone, bone or shellfish, artifacts of these materials and any evidence of fires) are discovered, work will be stopped in the area designated by the project archaeologist as archaeologically sensitive until the extent of additional damage to cultural deposits is determined.*

CUL-2: Archaeological Resource Monitoring. *If the level of damage is minimal, archaeological monitoring will continue in order to identify, record and/or remove for analysis any significant archaeological materials. Archaeological monitoring also serves to identify and limit damage to human burials and associated grave goods, both found in the nearby archaeological sites excavated to date.*

6. GEOLOGY AND SOILS

GEO-1: Incorporation of Geotechnical Investigation Recommendations. *The project design shall incorporate all applicable recommendations in ENGEO's geotechnical investigation for the proposed project (included as Attachment 1) in order to minimize the potential impacts resulting from regional seismic activity and soil engineering constraints.*

GEO-2: Erosion Control Measures. *Specific measures including, but not limited to the following, shall be implemented to reduce erosion or the loss of topsoil:*

- *Construction operations shall not be conducted during the rainy season.*
- *Limits of the area to be cleared and/or graded shall be clearly defined and marked to prevent damage by construction equipment.*
- *Erosion control blanket shall be installed, and revegetation of the project area shall be accomplished as detailed in the Revegetation Plan described above in Section 4, Biological Resources.*
- *Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting.*

9. HYDROLOGY AND WATER QUALITY

HYD-1: *An Erosion Control Plan shall be prepared in order to conform to the water quality standards for the Town and the RWQCB. The Plan shall include the measures listed below as well as all other appropriate Best Management Practices for construction projects:*

- a. *Prevent spills and leaks from construction vehicles and equipment.*
- b. *Clean up spills immediately when they happen using dry cleanup methods whenever possible and, if water must be used, use just enough to keep the dust down.*
- c. *Store materials under cover.*
- d. *Cover and maintain dumpsters.*
- e. *Clean up paints and solvents, adhesives, and cleaning solutions properly.*
- f. *Keep fresh concrete and cement mortars out of gutters, storm drains, and streams.*
- g. *Service and maintain portable toilets.*
- h. *Dispose of cleared vegetation and soils properly.*
- i. *Make sure all demolition waste is properly disposed.*

In addition, grading activities within the channel will be limited to the dry season (June 15th to October 15th).

12. NOISE

NOI-1: Implement Construction Noise Controls. *The following noise control measures shall be implemented to mitigate construction-related noise impacts on nearby sensitive receptors to a less-than-significant level:*

- a. *Equipment and trucks used for project construction shall utilize the best available noise control techniques (improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts. Construction equipment shall not generate noise levels above 75 dBA at 50 feet as listed in Table 8.*
- b. *Stationary noise sources shall be located at least 100 feet from adjacent and nearby school and residential receptors if possible. If they must be located closer than 100 feet from these receptors, they shall be enclosed within temporary sheds. Enclosure openings or vents shall face away from sensitive receptors to the north and northeast.*
- c. *Material stockpiles as well as maintenance/equipment staging and parking areas shall be located at least 100 feet away from the closest residential receptors to the extent feasible.*
- d. *A designated project liaison will be responsible for responding to noise complaints during the construction phases. The name and phone number of the liaison will be conspicuously posted at construction areas and on all advanced notifications. This person will take steps to resolve complaints, including conducting periodic noise monitoring, if necessary. Results of noise monitoring will be presented at regular project meetings with the project contractor, and the liaison will coordinate with the contractor to modify any construction activities that generated excessive noise levels to the extent feasible.*
- e. *In the event of noise complaints, the contractor will provide information to the Town within 48 hours of being notified of the complaint, regarding the noise levels measured and activities that correspond to the complaints. The contractor will be responsible for the correct installation and use of all implemented noise control measures and for complying with noise specifications.*

DETERMINATION: Based upon the above identified mitigation measures, no significant environmental impacts are anticipated to be associated with the subject project. A Draft Mitigated Negative Declaration of Environmental Significance has been prepared.

April 7, 2016
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ATTEST:

A handwritten signature in blue ink, appearing to read "D. Crompton", with a long horizontal flourish extending to the right.

David T. Crompton
Principal Planner