

MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Water Reservoir Construction

APPLICANT: Public Works Department, 8327 Garfield Avenue Bell Gardens, CA 90201

CITY AND COUNTY: Bell Gardens, Los Angeles County.

DESCRIPTION: The City of Bell Gardens is intending to construct above-ground site improvements to its Well No. 1 Facility. The improvements would supplement the existing Well No. 1 that is located at the northeast corner of Perry Road and Florence Place. In addition, the City intends to construct new water wells and install a new water reservoir tank (tower). The new water tower would be located within one of three potential locations (Project sites) within the 1.82-acre Project area, referred to in this document as Subarea A, Subarea B, and Subarea C as described below.

Subarea A – Alternative 1 (Parcels 6358-06-902; 6358-06-910; 6358-016-907; 6358-016-913; 6358-016-914; and, 6358-016-911)

Subarea A is a building pad 14,480 square feet in area on two parcels totaling 14,922 square feet in area that are approximately 125 feet west of the northwest corner of the Emil Avenue/Florence Place intersection and approximately 25 feet north of Florence Place. Subarea A would contain a 2-million-gallon steel circular tank that would have a diameter of 120 feet and extend to a height of 24 feet. This Subarea also would contain a 25-foot by 60-foot building pad for a pump station and surge tank (reference Exhibit 2 – City of Bell Gardens – Alternative 3A). This Subarea is immediately east of the existing Skate Park, between the Skate Park and Emil Avenue, and is separated from Subarea B.

Subarea B – Alternative 2 (Parcels 6358-016-909 and 6358-016-904)

Subarea B is a building pad immediately abutting Existing Well No. 1 to the east. This Subarea would contain a 1.41-million-gallon circular concrete tank that would be 100 feet in diameter and extend to a height of 24 feet. Subarea B would encompass 14,722 square feet in area within two parcels. A 25-foot by 60-foot building pad abutting the Existing Well No. 1 location would contain a pump station and a surge tank. This Subarea is between the Existing Well No. 1 site and the existing Skate Park to the east (reference Exhibit 3 – City of Bell Gardens – Alternative 3B). Subarea B is separated from Subarea A.

Subarea C – Alternative 3 (Parcels 6358-017-910; 6358-017-911; and, 6358-017-913)

Subarea C is located in the northeast portion of the Planning area and occupies frontage exclusively along the west side of Emil Avenue. The rectangular tank would accommodate 1.48 million gallons within 9,900 square feet of a 42,788 square foot area encompassing six parcels. The tank would extend to a height of 24 feet. A 25-foot by 60-foot building pad abutting the Existing Well No. 1 location would contain a pump station and a surge tank (reference Exhibit 4 – City of Bell Gardens – Alternative 3C).

FINDINGS: The environmental analysis provided in this Initial Study indicates that the proposed project will not result in any immitigable significant adverse impacts. For this reason, the City of

Bell Gardens has determined that a Mitigated Negative Declaration is the appropriate CEQA document for the proposed project.

MITIGATION MONITORING PROGRAM

MITIGATION # AND REQUIREMENT	Responsible Party	Monitor	Monitoring Timing	Monitoring Action	Verification
Mitigation Measure AQ-1 – All unpaved demolitions and construction areas shall be watered three times a day during excavation, grading, and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD Rule 403. Soil stabilizers shall also be used to control on-site fugitive dust. Watering could reduce fugitive dust by as much as 60 percent.	City	City Public Works Department	Ongoing during Project development	Verification on Certificate of Occupancy	City Public Works Department
Mitigation Measure AQ -2 – All materials off-site shall either be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage on adjacent streets during transport.	City	City Public Works Department	Ongoing during Project development	Verification on Certificate of Occupancy	City Public Works Department
Mitigation Measure AQ-3 – All clearing, earthmoving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of fugitive dust.	City	City Public Works Department	Ongoing during Project development	Verification on Certificate of Occupancy	City Public Works Department
Mitigation Measure AQ-4 – The contractors shall adhere to all pertinent SCAQMD protocols regarding grading, site preparation, and construction activities.	City	City Public Works Department	Ongoing during Project development	Verification on Certificate of Occupancy	City Public Works Department
Mitigation Measure MM-BIO-1 – A pre-construction nesting bird survey should be conducted by a qualified biologist no more than seven (7) days prior to vegetation removal or construction activities during the nesting season.	City	City Public Works Department; Biologist	Prior to Building Permit issuance and start of Project development (grading; construction)	Written verification to Director of Public Works	City Planning Department
Mitigation Measure MM-BIO-2 – If an active nest is found, all active bird nests shall be flagged in all directions, and an appropriate avoidance buffer will be established around the nest by a qualified biologist in consultation with the California Department of Fish and Wildlife. This buffer shall not be disturbed by construction activities until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young are no longer expected to be impacted by the project as determined through additional monitoring by a qualified biologist.	City	City Public Works Department; Biologist; Contractor	Prior to start of Project development (grading; construction)	Written verification to Director of Public Works	City Public Works Department; City Planning Department
Mitigation Measure MM-BIO-3 – If, during the nesting season, 10 days have passed since an area has been surveyed, and construction work has not been continuous in that area, then construction work shall not take place in that area until a new nesting bird survey has been performed.	City	City Public Works Department; Biologist; Contractor	Prior to start of Project development (grading; construction)	Written verification to Director of Public Works	City Public Works Department; City Planning Department
Mitigation Measure MM-BIO-4 – If active nests are observed adjacent to the project and an avoidance buffer has been established, it is recommended that a biological monitor be present on site to monitor nesting behaviors in order to assess if the nest buffer is appropriate. If the birds show any sign of stress, the buffer will be increased and work should be conducted elsewhere until fledging occurs. If	City	City Public Works Division; Biologist; Contractor	Ongoing during Project development (grading; construction)	Written verification to Director of Public Works	City Public Works Department; City Planning Department

necessary, the size of the buffer area may be reduced if the biologist in consultation with the California Department of Fish and Wildlife determines that the construction activity would not be likely to have adverse effects on the particular species in question.					
Mitigation Measure MM-CUL-1: In the event of an unanticipated discovery of an archaeological resource on any of the three potential Project sites, all Project development work must be suspended within 50 feet of the find until a qualified archaeologist evaluates the find. All work must cease immediately near any find of human remains and, in accordance with California Health and Safety Code Section 7050.5, the County Coroner must be notified if potentially human bones are discovered. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with Public Resources Code Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods. Work may not resume in the vicinity of the find until all requirements of the health and safety code have been met.	City; Contractor	City Planning Department; Archaeologist	Ongoing during Project development (grading; construction)	Verification on Certificate of Occupancy	City Planning Department
Mitigation Measure MM-N-1 – Construction staging areas must be located within the alley area at least 200 feet from the nearest residential unit.	City	City Public Works Division; Contractor	Ongoing during Project development (grading; construction)	Review and approval of Grading and Building Plans notes	City Public Works Department; City Building Department
Mitigation Measure MM-N-2 – The use of electric powered construction equipment should be considered, if feasible.	City	City Public Works Division; Contractor	Ongoing during Project development (grading; construction)	Review and approval of Grading and Building Plans notes	City Public Works Department; City Building Department
Mitigation Measure MM-N-3 – If electric powered construction equipment is determined to be infeasible, the Project contractors must utilize construction equipment that contains all available mufflers, engine barriers, and other applicable sound suppressing appurtenances.	City	Contractor	Ongoing during Project development (grading; construction)	Review and approval of Grading and Building Plans notes	City Public Works Department; City Building Department
Mitigation Measure MM-N-4 – The contractors must notify local residents regarding construction times and local contact information by placing a notice in the form of a sign along the Project site's eastern boundary. The notice shall include the name and phone number of the local contact person residents may call to complain about noise. Upon receipt of a complaint, the contractor must respond immediately by reducing noise to meet Code requirements. In addition, copies of all complaints and subsequent communication between the affected residents and contractors	City	Contractor	Prior to start of Project development; ongoing during Project development (grading; construction)	Written verification to Director of Public Works	City Public Works Department; City Building Department

must be forwarded to the City of Bell Gardens Community Development Director.					
Mitigation Measure MM-N-5 – All machinery and noise generating equipment must be enclosed in the pump house structure.	City	Contractor	Ongoing during Project development (grading; construction)	Review and approval of Grading and Building Plans notes	City Public Works Department; City Building Department
Mitigation Measure MM-N-6 – All ventilation, ducts, or other openings into the pump house must be properly baffled to facilitate noise attenuation. Vents and other openings should be directed away from the nearest noise sensitive receptors.	City	Contractor	Ongoing during Project development (grading; construction)	Review and approval of Building Plans	City Public Works Department; City Building Department
Mitigation Measure MM-N-7 – No audible alarms will be permitted. All alarm devices must consist of silent alarms that will not disturb the neighboring residences.	City	Contractor	Ongoing during Project development (grading; construction); and, ongoing during Project operation	Review and approval of Building Plans	City Public Works Department; City Building Department
Mitigation Measure MM-N-8 – All maintenance on the equipment, including testing of generators, must occur during daytime.	City	Contractor	Ongoing during Project operation	Review and approval of Grading and Building Plans notes	City Public Works Department; City Building Department
Mitigation Measure MM-N-9 – The City of Bell Gardens shall ensure that contractors conduct demolition and construction activities between 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. to 12:00 p.m. on Saturdays, with no construction permitted on Sundays or Federal holidays.	City Public Works Division; Contractor		Ongoing during Project development (grading; construction)	Review and approval of Grading and Building Plans notes	City Public Works Department; City Building Department
Mitigation Measure MM-TCR-1: In the event of an unanticipated discovery, all work must be suspended within 50 feet of the find until a qualified archaeologist evaluates it.	City Public Works Department; City Planning Department; Grading Contractor	City Director of Develop. Services; Tribal Monitor	Prior to Grading Permit issuance	Review and Approval of Grading Plans	City Director of Develop. Services; Tribal Monitor
Mitigation Measure MM-TCR-2: Also, all work must cease near the find immediately if human remains are encountered during Project development. In accordance with California Health and Safety Code Section 7050.5, the County Coroner must be notified if potentially human bone is discovered. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with Public Resources Code Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods. Work may not resume in the vicinity of the find until all requirements of the health and safety code have been met."	Applicant; Grading Contractor	Applicant; Grading Contractor; Native American Monitor	Ongoing during Project development (grading; construction)	Observation of Grading Activities	City Director of Develop. Services

<p>Mitigation Measure MM-TCR-3: (Upon Discovery of a Finding) 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 approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation 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.</p>	City; Contractor	City Planning Department; Native American Monitor	Ongoing during Project development (grading; construction)	Verification on Certificate of Occupancy	City Planning Department
<p>Mitigation Measure MM-TCR-4: (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 institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, 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>	City; Contractor	City Planning Department; Native American Monitor	Ongoing during Project development (grading; construction)	Verification on Certificate of Occupancy	City Planning Department
<p>Mitigation Measure MM-TCR-5: (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</p>	City; Contractor	City Planning Department; Native American Monitor	Ongoing during Project development (grading; construction)	Verification on Certificate of Occupancy	City Planning Department

<p>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 Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.</p>					
<p>Mitigation Measure MM-TCR-6: (Resource Assessment & Continuation of Work Protocol). Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/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>City; Contractor</p>	<p>City Planning Department; Native American Monitor</p>	<p>Ongoing during Project development (grading; construction)</p>	<p>Verification on Certificate of Occupancy</p>	<p>City Planning Department</p>
<p>Mitigation Measure MM-TCR-7: (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.</p>	<p>City; Contractor</p>	<p>City Planning Department; Native American Monitor</p>	<p>Ongoing during Project development (grading; construction)</p>	<p>Verification on Certificate of Occupancy</p>	<p>City Planning Department</p>
<p>Mitigation Measure MM-TCR-8: (Treatment Measures). Prior to the continuation of ground disturbing activities, the land owner 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. 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</p>	<p>City; Contractor</p>	<p>City Planning Department; Native American Monitor</p>	<p>Ongoing during Project development (grading; construction)</p>	<p>Verification on Certificate of Occupancy</p>	<p>City Planning Department</p>

<p>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.</p>					
<p>Mitigation Measure MM-TCR-9: (Professional Standards). Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.</p>	<p>City; Contractor</p>	<p>City Planning Department; Native American Monitor; Archaeologist</p>	<p>Ongoing during Project development (grading; construction)</p>	<p>Verification on Certificate of Occupancy</p>	<p>City Planning Department</p>