



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

MEETING DATE: August 13, 2014
TO: Planning Commission
FROM: Marie Jones
AGENDA ITEM TITLE: **Receive Report and Consider Adoption of Mitigated Negative Declaration and Grading Permit 2013-08 for the Summers Lane Reservoir Project**

On July 23, 2014, this item was brought to the Planning Commission for presentation of the staff report and a public hearing. Deliberation and action on the item was postponed to the August 13, 2014 Planning Commission meeting to allow for preparation of a response to the comments received at the public hearing and in two letters. A Response to Comments analysis is presented in Table 1 below. It summarizes and responds to comments received.

Project Description. The proposed project is to construct a 45 acre-foot reservoir to store raw water from the City's Waterfall Gulch diversion to help meet drought-related water storage needs. Water from the new reservoir will be transported via an existing gravity-fed pipeline to the City of Fort Bragg's water treatment plant for the provision of potable water for the Fort Bragg water service area. The City has a licensed water right to divert water from Waterfall Gulch, a tributary to Hare Creek, and that water is presently piped to the City's Newman Gulch property and on to the treatment plant. The point of diversion will remain the same, as will the amount of water drawn from Waterfall Gulch. The City has filed a Petition for Change with the State Water Resources Control Board to request that water right License 12171 be changed to allow for storage of water from Waterfall Gulch in the new Summers Lane Reservoir. The reservoir will be constructed down the pipeline, between Waterfall Gulch (point of diversion) and the point at which the pipeline currently ties in to Newman Gulch Reservoir (current point of re-diversion) and heads to the water treatment plant. Storage of Waterfall Gulch water in the Summers Lane Reservoir (proposed new point of re-diversion) will allow the City to use the stored water when it needs it most, in the late summer months when demands are high and supply is limited.

Environmental Review. Mitigated Negative Declaration (SCH #2013092035)

Table 1: Public and Agency Comments Received Regarding the Summers Lane Reservoir MND (SCH #2013092035) and Staff’s Response to Comments

Public Comments Regarding Summers Lane Reservoir MND	Staff Response to Comment
Comments Received At Public Hearing	
<p>Jim Celeri stated that the inundation study shows what would happen to his residence if the dam breaks on the western side, but if it breaks near the southwest corner, there are numerous people who live downstream on Brush Creek who would be affected by it. He hopes the City will look into that. His written comments state, “I have concerns for safety of people living in Brush Creek.”</p>	<p>Brush Creek is upstream from the proposed reservoir site. Water released (from a highly unlikely breach at the southwest corner of the reservoir) would flow north to the Noyo River basin not southwest to Brush Creek. As shown in the MND on page 2, the topography in this area would result in flows north towards the Noyo River and not south and east to Brush Creek Road.</p>
<p>Sue Boecker questioned whether a transfer station would be near the reservoir and what effect that and the resultant truck traffic would have on the environment.</p> <p>She asked if the Army Corps of Engineers had been consulted.</p> <p>She asked if the liner were state of the art and what it was made of.</p>	<p>The County of Mendocino may consider a permit for a solid waste transfer station on Highway 20 to the southeast and approximately 1.3 miles away (as the crow flies) from the proposed Summers Lane Reservoir location. Truck traffic associated with the proposed Solid Waste Transfer Station would be analyzed in a CEQA document for that project. The proposed Summers Lane Reservoir will not have a significant impact on truck traffic, even during construction, because the grading plan is balanced, so no appreciable quantities of soil will be removed from the site. Post construction, the project will be visited by Public Works staff on a daily basis.</p> <p>A copy of the MND was circulated to the Army Corps of Engineers and they did not comment on the project. The reservoir berm and embankment fall below the height of a dam that is regulated by the Division of Safety of Dams.</p> <p>The liner is state of the art 60mill HDPE.</p>
<p>David Gurney wanted the public comment period extended.</p> <p>Mr. Gurney wants the concerns of Fish & Game to be addressed.</p> <p>He also was concerned about the people living on Brush Creek Road.</p> <p>He asked, “How many weeks of water does Fort Bragg have if something were to happen?”</p>	<p>The public comment period for the MND complies with CEQA Guidelines Section 15105b, which requires a 30 day review period. The public and agency review period for the MND was 33 days.</p> <p>Please see the response to comments below regarding issues raised by the Department of Fish and Wildlife.</p> <p>Please see the comments above regarding the people living upstream at Brush Creek Road.</p> <p>The City has sufficient water to serve the City of Fort Bragg, except during extreme drought conditions. The proposed reservoir would address that deficit.</p>

<p>Ann Rennacker asked if a public tour could be given.</p> <p>Ms. Rennacker wanted the public comment period extended.</p> <p>She also submitted written comments as follows: “72 pygmy trees will be removed and replanted. These are rare and endangered trees which grow nowhere else in the world require dense and acid soil.</p> <p>“My greatest concern regards the proposed \$5 million dollar waste transfer plant on Highway 20 only a few miles away from the reservoir, which would pollute and cause horrible traffic problems.”</p>	<p>The Planning Commissioners have the opportunity to view the site at any time. A public tour is not planned.</p> <p>The public comment period for the project complies with CEQA regulations.</p> <p>The removal of pygmy cypress trees will be mitigated with a 3 to 1 replacement ratio as required by the MND, if the Planning Commission approves the MND and the project.</p> <p>The Solid Waste Transfer Station is not a subject of this permit.</p>
<p>Letter dated July 21, 2014 from the State of California Department of Fish and Wildlife (Please see attached letter)</p>	
<p>Ongoing diversion of water without notification pursuant to Fish and Game Code section 1602.</p>	<p>As noted in the comment letter, this comment addresses the ongoing water diversion made by the City at Waterfall Gulch pursuant to License 12171. This comment does not address the project, which involves only construction of the new off-stream reservoir and storage of water under the License in that new reservoir. The MND addresses only construction of the new reservoir and the petition for change in License 12171.</p>
<p>Operation of Waterfall Gulch Reservoir without provisions of sufficient water for fish existing below the dam as required pursuant to Fish and Game Code section 5937.</p>	<p>See response to comment above.</p>
<p>There are potential impacts to and mitigation for special status fish and wildlife species.</p>	<p>The MND has concluded that there is no potential for impact to special status fish and wildlife species after mitigation measures. The comments from the Department of Fish and Wildlife do not contain any information contrary to this conclusion.</p>
<p>While the Summers Lane Reservoir site is not within a streambed, project-related activities including connecting to the existing pipeline in Newman Gulch and/or the construction and operation of the Reservoir’s overflow device may affect the bed, bank, and/or channel of a stream, and thus require separate notification pursuant to FGC section 1602.</p>	<p>Measures have been incorporated into the project to ensure that construction of the reservoir does not result in sedimentation or other water quality impacts to Newman Gulch. The MND includes mitigation measures regarding potential construction-related “discharges.” As stated in the MND, the existing stream will not be altered in its course, and the project will be designed and stabilized to prevent erosion and siltation during and following conversion and construction. Additionally the construction site is a significant distance from any body of water or stream bed (at least 400 feet) making construction-related discharges extremely unlikely. As noted in the MND:</p> <p>Erosion control measures are also included in the</p>

	<p>Mitigation Measures outlined in Section IV of this report: Biological Resources. Those measures include: 1) Mitigation Measure 5, for potential impacts to wetlands and other waters, which outlines seasonal restrictions on ground disturbance, grading permit requirements, and BMP requirements, 2) Mitigation Measure 7.D.3, requiring a Regional Water Quality Control Board (RWQCB) Storm Water Pollution Prevention Plan, and 3) Mitigation Measure 7.E.1, requiring Best Management Practices to assure impacts to fish will be less than significant. Additionally, erosion control measures are included in the recommendations outlined by Holdrege and Kull in the Geotechnical Engineering Investigation Report dated October 2009. The erosion control recommendations are outlined in Section 8.8: Erosion Controls, on page 31, as shown in Attachment 5. The recommendations by Holdrege and Kull are required measures per Mitigation Measure 9, which is described under Section VI of this report (Geology and Soils).</p> <p>The existing mitigation measures include:</p> <p>Mitigation Measure 3 requires the City to obtain all necessary permits for the project from all applicable federal, state and local agencies.</p> <p>Mitigation Measure 5: For Potential Impacts to Wetlands and Other Waters. All work involving or associated with soil movement and or digging should occur during the dry season. A grading permit will be obtained and construction Best Management Practices will be implemented, including silt fencing and straw wattles to control erosion and sediment transport that may flow into surrounding natural habitats, particularly along the north end of the unit nearest to Newman Gulch. Best Management Practices shall be utilized along existing roads as their location provides an existing buffer to the Newman Gulch stream and associated wetland areas. The natural topography surrounding the proposed reservoir shall be left intact as much as is feasible, such that runoff to the surrounding landscape is minimized.</p> <p>Mitigation Measure 7:</p> <p>For Potential Disturbance to Wildlife Species 7.D.6 - STORMWATER TREATMENT. An SWPPP will be implemented to control sediment and pollutants during construction and prevent construction activities from having a negative effect on water quality and quantities in preserved portions of the Study Area. Through implementation of the SWPPP, project stormwater will be treated to meet state and federal stormwater requirements, including treatment</p>
--	---

	<p>of stormwater quality and quantity so that they are not substantially altered from existing conditions.</p> <p>7.E.1 - CONSTRUCTION BMPs. Appropriate BMPs during construction activities, such as the use of a silt fence or other erosion control measures to prevent sediment from entering the water column, will protect in-migrating adults and out-migrating smolts from potential disturbance from increased turbidity. Erosion control devices should not contain monofilament as this may pose a potential entanglement hazard to sensitive amphibian species that may occur in the area. Potential discharge of the reservoir into Newman Gulch should be done with the consultation of the National Marine Fisheries Service (NMFS) to ensure there are no potential impacts to migrating salmonid species.</p> <p>Mitigation Measure 9: Site grading associated with the construction of the reservoir shall conform to the recommendations outlined in the Holdrege & Kull report, Summers Lane Reservoir, Fort Bragg, California, Geotechnical Investigation Report, dated October 2, 2009 (Project #70315-01), Section 8, Earthwork Grading Recommendations, which is included as Attachment 5 of this report.</p>
<p>The MND's February 2013 Biological Assessment by WRA Environmental Consultants, states ". . . impacts may include construction-related discharge of sediment or other pollutants into surface waters or aquatic habitats. In addition, potential discharge of the proposed reservoir into Newman Gulch has the potential to alter the hydrology of this feature." FGC section 1602 requires notification for any and all project work which will change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into a river, stream or lake.</p>	<p>The mitigation measures recommended in the referenced biological assessment were incorporated into the MND.</p> <p>None of the potential impacts involve the change or use of any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into a river, stream or lake.</p>
<p>E-mail request from Sherwood Valley Rancheria received July 24, 2014</p>	
<p>On Thursday July 24th the City received a request from the Sherwood Valley Band of Pomo (SVBP) requesting that a Native American monitor be on hand during ground-disturbing activities at the Summers Lane Reservoir.</p>	<p>While three archaeological surveys were completed for this project that did not identify any archaeological deposits, the City has developed a special relationship with the SVBP by entering into a Memorandum of Understanding regarding cultural resource protections. Therefore, staff recommends approval of Special Condition 4 to address the tribe's request.</p>

Staff recommends Special Condition 4 in response to the comments received.

Special Condition 4: A Native American Monitor shall be required during ground disturbing activities associated with installation of the Summers Lane Reservoir and associated pipes (not located within an already disturbed public right-of-way).

PLANNING COMMISSION ACTION

1. Receive staff report, deliberate, and move to adopt the Mitigated Negative Declaration; and
2. Adopt a resolution adopting the Mitigated Negative Declaration and approving the grading permit at this Planning Commission meeting.

ALTERNATIVE ACTIONS

1. Deliberate without adopting the Mitigated Negative Declaration or resolution, and revisit the application at the next scheduled meeting for a decision and the addition of any new information and/or findings.

RECOMMENDATION

Should the Commission find the project to be consistent with the Inland General Plan, staff recommends two actions that should occur in the following sequence:

1. Receive staff report, deliberate, and move to adopt the Mitigated Negative Declaration; and
2. Adopt a resolution adopting the Mitigated Negative Declaration and approving the grading permit at this Planning Commission meeting.

ATTACHMENTS

- Exhibit 1: Letter dated July 21, 2014 from the State of California Department of Fish and Wildlife.
- Exhibit 2: Resolution of the Fort Bragg Planning Commission Adopting the Mitigated Negative Declaration (MND) for the Summers Lane Reservoir and Approving the Grading Permit (GP 2013-08) for the Construction of the Project.
- Exhibit 3: Staff report dated July 23, 2014 regarding Summers Lane Reservoir Grading Permit (GP 2013-08) and all attachments (except for the original resolution which has been replaced by Exhibit 2 above).