



Grant Agreement No. R09AP35R20 provides American Recovery and Reinvestment Act (ARRA) funding from the Bureau of Reclamation (Reclamation) to the Las Virgenes Municipal Water District (LVMWD) for the Mulholland Highway Recycled Water Transmission Main in Los Angeles County, California.

Identified environmental effects for the Mulholland Highway Recycled Water Transmission Main were evaluated in a Mitigated Negative Declaration (MND) for the REW 24" Recycled Water Pipeline Project dated March 2007 (State Clearinghouse No. 2007011127) certified March 27, 2007 by LVMWD pursuant to the California Environmental Quality Act. The MND concluded that the proposed project would not create significant effects on the environment. Mitigation requirements were made a condition of approval.

## PURPOSE AND NEED

The Mulholland Highway Recycled Water Transmission Main will enable LVMWD to increase the availability of recycled water that willing customers can purchase. Recycled water is the only local water supply within the service area. Every acre foot of recycled water that is put to beneficial use will offset an equivalent amount of imported water, conserving potable water for other uses. The project will result in increased water use efficiency and conservation.

Additional distribution capacity is needed for recycled wastewater generated by the Tapia Water Recycling Facility on Malibu Canyon Road. Tertiary treated wastewater is currently distributed for landscape irrigation and spray disposal via an existing recycled water pipeline with a capacity of 12 million gallons per day (MGD). The population within the area served by the Tapia facility is growing and the peak treated wastewater production rate is expected to exceed 12 MGD by 2010.

## AUTHORITY

Section 9504 of Public Law 111-11, the Omnibus Public Land Management Act of 2009, authorizes the Secretary of Interior to provide grant or enter into agreements with eligible applicants to assist in the planning, designing, or constructing any improvement to conserve water, increase water use efficiency, facilitate water markets, enhance water management, including increasing the use of renewable energy in the management and delivery of water, or accelerate the adoption and use of advanced water treatment technologies to increase water supply. This authority is delegated to Reclamation.

## PROJECT DESCRIPTION

A summary of the proposed project is provided below. Additional detail can be found in the referenced MND.

The proposed project site is located in western Los Angeles Country, California, within the Santa Monica Mountains Coastal Zone. The pipeline alignment is mostly located within the public rights-of-way along Las Virgenes Road, but would also traverse Tapia State Part to connect to the existing pipe stub near Malibu Creek. Surrounding land uses include Malibu Creek State Part to the west and Cottontail Ranch and other rural areas to the east.

The proposed project consists of the construction and operation of a new 24-inch recycled water pipeline to provide the needed capacity, and provide redundancy and operational flexibility. The current recycled water pipeline is a 35 year old, 18 inch diameter steel transmission pipeline. The accumulation of both corrosion and strains on this pipeline will inevitably result in increasing leaks and possible failure, which may require emergency discharge of treated wastewater to Malibu Creek and prevent the delivery of recycled water to customers. The addition of a second recycled water pipeline would provide greater operational flexibility, as one pipeline can be removed from service for periodic inspection, testing, and cleaning. When both pipelines are in service, pumping costs would be reduced.

The pipeline would consist of approximately 9,000 feet of 24 inch diameter steel or PVC pipe extending from the existing pipe stub north of Malibu Creek, through Tapia State Park and along Las Virgenes Road north to its intersection with Mulholland Highway. One additional pipeline (4 inch diameter PVC communications conduit), may be placed in the trench excavated to install the proposed recycled water

pipeline. However, this pipeline would be an isolated segment and would not be functional until additional segments were installed. Installation of additional segments would be part of a future project and associated environmental review. Reclamation is not funding the additional pipeline or future segments.

## ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

NEPA requires review of a proposed Federal action to determine its impact on the human environment. Council on Environmental Quality (CEQ) regulations direct Federal agencies to cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements (40 CFR 1506.2). Department of Interior regulations for implementing NEPA encourage tiering of environmental documents and provide for adoption of existing environmental documents if, upon evaluation by a responsible official, it is found to comply with relevant provisions of the CEQ regulations.

In accordance with CEQ regulations for implementing the procedural requirements of NEPA, Reclamation staff reviewed the adopted MND and supporting information and concluded that the document adequately identifies and discloses the reasonably foreseeable environmental effects of the proposed action. We adopt these documents as our Environmental Assessment in accordance with CEQ regulations (40 CFR 1506.3) and Department of the Interior regulations for implementing NEPA (43 CFR 46.320(a)).

## FINDINGS AND ENVIRONMENTAL COMMITMENTS

Potentially significant impacts to three resources were identified in the MND; cultural resources, biological resources, and geology/soils. The following environmental commitments have been incorporated into the project to reduce potential impacts to these three resource categories to a level of less than significant.

### Cultural Resources

Five cultural resource sites (CA-LAN-229, CA-LAN759H, CA-LAN-3105, CA-LAN-3106, and CA-LAN-3107) lie within or adjacent to the preferred and/or alternative pipeline alignments. Due to the proximity of known archaeological resources, the following avoidance measures have been incorporated into the project to ensure archaeological impacts would not be significant:

- In the event that archaeological resources are encountered during pipeline installation, work shall be stopped immediately or redirected away from the find until a qualified archaeologist or Native American representative are retained to evaluate the significance. If resources are found to be significant, they shall be subject to a recovery and documentation mitigation program.
- In the event of discovery of any human remains during project related construction, there shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until, a) the county coroner has been informed and has determined that no investigation of the cause of death is required; b) if the remains are of Native American origin, 1) the descendants from the deceased Native Americans have made a recommendation for means of treating or disposing with appropriate dignity the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98 or 2) the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the Commission

The following specific mitigation measures will be fully implemented to minimize disturbance of archaeological resources associate with pipeline installation:

- All ground disturbance along the pipeline alignment at the following locations shall be monitored by a qualified archaeologist:
  - Within 1,500 feet of Mulholland Highway (Talepop Village Site, CA-LAN-229)
  - Within 300 feet of the picnic area at Tapia State Park (CA-LAN-3106); and
  - Knoll at southern end pipeline alignment (CA-LAN-3107)
- In the event that archaeological resources are found by the archaeologist monitor, work shall be stopped immediately or redirected away from the find until the significance of the find is

determined. If significant resources are found, a data recovery and documentation mitigation program shall be developed and implemented prior to the completion of pipeline installation.

- If Native American artifacts are found by the archaeologist monitor, a Native American monitor shall be called to the site and assist the archaeologist in monitoring during periods when significant artifacts may be discovered.

Impacts of the project to cultural resources will be less than significant, following implementation of the avoidance, monitoring, and mitigation measures. A record search for the area of potential effect did not identify any properties on the National Register of Historic Places or eligible for listing, any resources on the California State Historic Resources Inventory, California Landmarks, or California Points of Historical Interest. The proposed undertaking will not affect any listed properties or properties eligible for listing in the National Register of Historic Places.

### Biological Resources

*Federally Threatened or Endangered Species* – Plant species found within the Malibu Creek watershed area include: Braunton's milkvetch (*Astragalus brauntoni*), observed 3.8 miles south of the project area; Marcescent dudleya (*Dudleya cymosa ssp. marcescens*), located a mile west of the project area; Santa Monica Mtns. Dudleya (*Dudleya cymosa ssp. ovatifolia*), located 2.5 miles south of the project area; Lyon's pentachaeta (*Pentachaeta lyonii*), located 2 miles west of the project area; and San Fernando Valley spineflower (*Chorizanthe parryi var. fernandina*), located 5.5 miles north of the project area. None of the five species were located within the project foot print.

Fish species found within the Malibu Creek watershed area include: Southern steelhead (*Oncorhynchus mykiss ssp. gairdneri*), observed in Malibu Creek 3.5 miles south of the project area and the Tidewater goby (*Eucyclogobius newberryi*), located 3.3 miles south of the project area. These two species will not be affected by project construction or operation.

The only threatened or endangered bird found in the Malibu Creek watershed area was the Coastal California gnatcatcher (*Poliophtila californica*), observed 5 miles north of the project area in East Las Virgenes Canyon, Simi Hills. Construction or operation of the proposed project will not affect the Coastal California gnatcatcher.

Two amphibians found in the Malibu Creek Watershed area include the Arroyo toad (*Bufo californica*) and the California red-legged frog (*Rana aurora draytonii*). The Arroyo toad is found in Chatsworth Creek, 10.5 miles to the north of the project area. The California red-legged frog is found in East Las Virgenes Canyon, 5.5 miles north of the project area. The two species are not present in the project area and will not be affected by construction or operation of the proposed project.

*California Special Status Birds* – Potential impacts to *Coopers Hawk* and *Yellow Warbler* will be avoided by conducting construction adjacent to suitable riparian habitat outside the March 1 through August 15 breeding season. Alternatively, field surveys will be conducted by a qualified biologist prior to construction to identify any active nests. No heavy equipment will be allowed within 100 feet of any active special status nests, until the nest is abandoned or the young have fledged.

*California Special Status Reptiles* – Potential impacts to *San Diego horned lizard*, *California horned lizard*, *silvery legless lizard*, *costal western whiptail turtle*, *two-striped garter snake*, *San Diego mountain kingsnake*, and *San Bernardino ring-neck snake* will be avoided by completion of field surveys by a qualified biologist prior to construction. If present, native species will be relocated from the project site per approval of California Department of Fish and Game, and construction activities will be monitored to detect and relocate special status reptile species.

*California Special Status Plants* – Of the special status plants, the only known plants to occur within or in close proximity to the project site are the *southern California black walnut*, *coast live oak*, and *valley oak*. Oak tree removals are regulated under the Los Angeles County municipal code and Coastal Zone Management Act. The proposed pipeline alignment and the alternative alignments plans, on oak trees will be removed. However, due to a high density of oak trees and potential conflicts with existing pipelines, it is likely that project related root damage could result in the long term loss of some oak trees at the picnic area at Tapia State Park. Oak tree root damage may also occur at the knoll at the southern end of the

preferred pipeline alignment. Black walnut trees located in close proximity to the project site would not be removed. Removal or long term loss of oak trees would be considered a potentially significant impact.

The following mitigation measures will be implemented to avoid or minimize impacts to oak trees:

- The oak tree protection measures identified by the California Coastal Commission (CCC) have been incorporated into the pipeline project. The CCC measures are: The biological consultant or arborist shall monitor the project area for a period of ten (10) years minimum. An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor as caused by this project, the permittee shall submit, for the review and approval of the Executive Director, an off-site oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, who specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful. Replacement trees shall be provided at a ratio of 10:1;
- All oak trees located adjacent to pipeline installation activities shall be flagged or fenced to avoid inadvertent damage;
- All oak tree trimming shall be conducted by a qualified arborist;
- The pipeline alignment will be modified to avoid oak trees to the extent feasible; and
- Any replanting of oak trees within Tapia State Park will be conducted under the direction of the State Parks Resources Ecologist.

Potential impacts to biological resources will be mitigated to a level of less than significant.

*Geology and Soils* – A project specific Geotechnical Study was finalized in September 2008. The recommendations of the Study have been incorporated into the project's plans and specification.

#### Cumulative Impacts

The March 2007 MND evaluated cumulative impacts of current and foreseeable future facilities as required by CEQA guidelines. No cumulatively considerable construction or operational impacts were identified.

#### Other CEQA findings:

The following resources were evaluated and the project was found to have no impact or less than significant impact: land use and planning, agricultural, air quality, hazards and hazardous material/risk of upset, hydrology and water quality, aesthetics, mineral resources, noise, population and housing, public services, recreation, transportation/circulation, and utilities and service systems.

#### OTHER FEDERAL REQUIREMENTS

Environmental Justice - Environmental justice issues have not been identified regarding this project. The proposed project will not disproportionately impact economically disadvantaged or minority populations.

#### Socio-Economic

Adverse socio-economic impacts are not expected. The proposed project provides LVMWD additional recycled pipeline capacity, more reliable recycled water distribution, and greater operational flexibility. The project does not increase the amount of water available from Metropolitan Water District of Southern California. The project does not provide additional infrastructure to deliver water to costumers. Hence, the project would not induce population growth. No effects to public health and safety were identified. Economic or social effects are not intended by themselves to require preparation of an EIS (40 CFR 1508.14)

Indian Trust Assets - The proposed project will not affect tribal water rights or other Indian Trust Assets.

### Coastal Zone

The proposed project is located within the Santa Monica Mountains Coastal Zone. LVMWD consulted with the California Coastal Commission (CCC) and on April 15, 2009, the CCC issued a Notice of Permit Waiver Effectiveness (Waiver De Minimis Number 4-08-041-W). The oak tree protection measures identified by the CCC have been incorporated into the pipeline project. The CCC measures are: The biological consultant or arborist shall monitor the project area for a period of ten (10) years minimum. An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. In addition, the CCC recommended that the project include erosion control Best Management Practices (BMP) to avoid adverse impacts to water quality. Erosion control BMP are included in the proposed project.

### Wetlands and Floodplains

The proposed project will not affect any wetlands subject to jurisdiction of the Army Corps of Engineers. The proposed facilities are located entirely below ground and would not impeded or interfere with flood flows. Construction of the project facilities will not result in an increase in flood velocity or flood elevation. Nor would the project facilitate urban development in a floodplain.

### Clean Water Act

Adverse impacts to water quality that could occur during pipeline installation due to spills, accidents, or negligence will be avoided with the implementation of Best Management Practices for controlling or preventing water quality degradation as discussed in the referenced MND. Since the project site is greater than one acre in size, a National Pollution Discharge Elimination System construction storm water permit and Storm Water Pollution Prevention Plan will be required prior to construction. No significant water quality impacts related to construction or operation of the proposed project have been identified.

### Clean Air Act

Projects that cause local populations to exceed population forecasts in the 2003 Air Quality Management Plan (AQMP) developed by the South Coast Air Quality Management District are considered inconsistent with the AQMP. Exceeding the population forecasts can result in the generation of emissions beyond those which have been projected in the AQMP. The proposed project will not directly or indirectly result in population growth and therefore will not cause population forecasts in the AQMP to be exceeded. The proposed project is consistent with the AQMP. Estimated emissions for pipeline construction are below South Coast Air Quality Management District significance thresholds. Emissions will not exceed Clean Air Act conformity applicability *de minimis* thresholds at 40 CFR 93.153 (b) and will not be regionally significant. No significant construction or operational impacts to air quality have been identified.

### Threatened and Endangered Species

The proposed pipeline would be located primarily adjacent to an existing pipeline and under the pavement of Las Virgenes Road and Tapia State Park roadways, with exception to portions of the southern pipeline segment within Tapia State Park. Roadway areas generally do not support vegetation or wildlife habitat. No federal threatened or endangered species or habitat critical to their existence occurs within the proposed project site. The proposed project will not adversely affect any threatened or endangered species or habitat designated critical to their existence.

### National Register of Historic Places

The proposed project will have no effect on listed properties or properties eligible for listing in the National Register of Historic Places. Impacts of the project to cultural resources will be less than significant, following implementation of the avoidance, monitoring, and mitigation measures. Reclamation will submit findings to the California State Historic Preservation Officer (SHPO) in compliance with section 106 of the National Historic Preservation Act.

### Prime and Unique Agriculture

The California Farmland Mapping and Monitoring Program identified the southeast corner of Mulholland Highway and Las Virgenes Road as Prime and Unique farmland. The area that the proposed project passes through would not impact the identified Prime and Unique farmland. The proposed project would not convert land to a non-agricultural use.

### Wild and Scenic Rivers

The proposed project area has no designated Wild and Scenic Rivers.

## AGENCY CONSULTATION AND COORDINATION

### Native American Heritage Commission

LVMWD received one comment letter during CEQA public notice period requesting a record search and the use of Native American monitor during construction. The CEQA document has been modified to reflect the comments. LVMWD will contact a qualified archeologist and a Native American Monitor during construction as mitigation measures.

### California State Parks

LVMWD contacted staff at the California State Parks and worked with State Parks local biologist to identify a pipe alignment that would cause least impact to properties within State parks. A State Park Right of Entry Permit has been obtained for construction.

### California Coastal Commission

LVMWD received a Notice of Permit Waiver Effectiveness for the proposed project. The permit Waiver provides requirements for oak tree protection and erosion best management practices.

### Los Angeles County Regional Planning Department

An Oak Tree permit has been obtained in order to encroach within the dripline of 27 oak trees within the project limits.

### Las Angeles County Public Works Department

An encroachment permit is obtained in order to perform construction within the Right of Way of Las Virgenes Rd.

## ENVIRONMENTAL COMMITMENTS

### **Cultural Resources**

1. Project construction will not begin until consultation with the California SHPO has completed in accordance with section 106 of the National Historic Preservation Act.
2. Should cultural resources be discovered during project construction, all ground disturbing activities in the area of the archeological resource will stop and the Regional Archeologist will be contacted at 702-293-8075. Construction will not resume in the area of the discovery until all mitigative measures developed in consultation with the State Historic Preservation Officer have been completed

## REFERENCES

California Coastal Commission. April 15, 2009. *Notice of Permit Waiver Effectiveness*.

Dudek. September 2008. *Tree Management and Preservation Plan*. California. Prepared for Las Virgenes Municipal Water District.

Historical Environmental Archeological Research Team. 2006. *A Phase 1 Archaeological Study for Route C (including portions of Reaches 3, 4, and 7) As part of the Proposed LVMWD REW pipeline Project, County of Los Angeles, California*. Prepared for Padre Associates

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Historical Environmental Archeological Research Team. 2008. *Results of an Extended Phase 1 Archaeological Investigation For CA-LAN-3106 Located within the Tapia Park Portion of Malibu Creek State Park City of Malibu, County of Los Angeles, California*. Prepared for Dudek.

Las Virgenes Municipal Water District. March 2007. *Final Mitigated Negative Declaration Las Virgenes Municipal Water District REW 24" Recycled Water Pipeline Project and Initial Study*". California State Clearinghouse No. 2007011127.

Leighton Consulting, Inc. September 2008. Geotechnical Exploration, Las Virgenes Municipal Water District (LVMWD) Proposed 24-inch Diameter Recycled Water Pipeline, Las Virgenes Road, Mulholland Highway Tapia WRF. Unincorporated Los Angeles County, California. Prepared for Dudek.