

Attachment 6 Avoidance and Minimization Measures

All construction-related activities performed will comply with the terms and conditions contained in the permits and approvals issued by the regulatory agencies. A City of Ferndale (City) project manager will coordinate with the contractor to ensure Project activities comply with the contract specifications, permits, and local, State, and Federal laws.

Measures to Avoid and Minimize Impacts to Water Quality

Implementation of Storm Water Pollution and Prevention Plan (SWPPP)

The City and its Contractor will obtain coverage under State Water Resources Control Board Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as amended by Order No. 2012-0006. The City and/or its contractor will submit permit registration documents (notice of intent, risk assessment, site maps, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and certifications) to the State Water Resources Control Board. The SWPPP will address pollutant sources, non-storm water discharges, best management practices, and other requirements specified in the above-mentioned Order. A SWPPP and erosion control best management practices (BMPs) will be developed and implemented to minimize any wind or water-related erosion and will be in compliance with the requirements of the Regional Water Quality Control Board. To prevent impacts from spills, construction equipment will be staged away from wetlands, waters and sensitive habitat. A spill prevention plan will be in place to prevent runoff and contamination into the surrounding wetlands and drainage ditches. Excavated materials will be stockpiled away from sensitive habitat, in areas that are relatively level, and runoff control measures as described above will be used to prevent delivery of sediment to wetlands and watercourses. If wattles are used, they will consist of certified sterile, weed-free materials.

Spill Prevention Plan

To prevent impacts from inadvertent spills, a spill prevention plan will be developed and implemented to prevent runoff and contamination into wetlands. The Plan shall address the following:

- Construction equipment will be staged at least 50 feet away from the wetlands and waters.
- Construction equipment shall be cleaned and inspected prior to use. Mechanized construction equipment that will be used in wetlands will be cleaned and inspected daily prior to use. Servicing and refueling of vehicles and equipment shall be conducted a minimum of 50 feet from wetlands and waters at designated staging areas to avoid contamination through accidental drips and spills.
- Equipment shall be inspected daily by the operator for leaks or spills. If leaks or spills are encountered, they shall be cleaned up, and the cleaning materials shall be collected and shall be properly disposed. The source of the leak shall be identified prior to operating the equipment with resolution of the leak documented by the foreman. Spills shall be cleaned up immediately using spill response equipment.
- Hazardous materials shall not be stored within 200 feet of wetlands and waters.

Manage Construction Groundwater Dewatering

If construction groundwater dewatering is required, the City and its contractor will evaluate reasonable options for dewatering management that would avoid discharging to a local surface water or storm drain. The following management options shall be considered: reuse the water on-site for dust control, compaction, or irrigation; retain the water on-site in a grassy or porous area to allow infiltration/evaporation; discharge (by permit) to a sanitary sewer.

Measures to Avoid and Minimize Impacts to Wildlife

Protect Special Status, Migratory and Nesting Birds

Ground disturbance and vegetation clearing shall be conducted, if possible, during the fall and/or winter months and outside of the avian nesting season (which is generally assumed to occur between March 15 – August 15) to avoid any direct effects to special-status and protected birds. If ground disturbance or vegetation clearing cannot be confined to the fall and/or winter outside of the nesting season, a qualified ornithologist shall conduct pre-construction surveys within the vicinity of the APE, to check for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species. The ornithologist shall conduct at minimum a one-day pre-construction survey within the seven-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the nesting season, a qualified ornithologist shall conduct a supplemental avian pre-construction survey before Project work is reinitiated.

If active nests are detected within the construction footprint, or within 500 feet of construction activities, the ornithologist shall flag a buffer around each nest. Construction activities shall avoid nest sites until the ornithologist determines that the young have fledged or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500 feet of the construction area, buffers would be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the CDFW and, if applicable, with USFWS. Buffer sizes would take into account factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds.

If active nests are detected during the survey, the qualified ornithologist shall monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified ornithologist, disturb nesting activities (e.g., excessive noise), shall be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified ornithologist shall immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed or nesting activity has ceased, placement of visual screens or sound dampening structures between the nest and construction activity, reducing speed limits, replacing and updating noisy equipment, queuing trucks to distribute idling noise, locating vehicle access points and loading and shipping facilities away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.