



Gavilan Joint Community College District

5055 Santa Teresa Blvd., Gilroy, CA 95020 • (408) 848-4715 • www.gavilan.edu

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Project Title: Gavilan College Gilroy Campus Modernization Project

Project Location: The Gavilan College Gilroy Campus is located on the west side of Santa Teresa Boulevard, between Mesa Road and Castro Valley Road, in the unincorporated area of Santa Clara County, south of the City of Gilroy.

Project Proponent:

Gavilan Joint Community College District
Office of the Vice President of Administrative Services
Attn: Joseph D. Keeler
5055 Santa Teresa Blvd.
Gilroy, CA 95020

Project Description: The Gavilan Joint Community College District currently seeks to implement several facilities and infrastructure upgrades at the Gilroy campus, including the following:

- Water Storage, Distribution and Well Improvements
- Gilroy Early College Academy (GECA) Consolidation
- Parking Lot C Expansion
- Outdoor Classrooms
- Demolition of Former Police Academy Portables
- Demolition of Building CJ500

II. DETERMINATION

In accordance with the Gavilan Joint Community College District procedures for compliance with the California Environmental Quality Act (CEQA), the District has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the District makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures will be included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

III. MITIGATION AND AVOIDANCE MEASURES:

A. Biological Resources

MM BIO-1.1: To reduce impacts to California tiger salamanders (CTS) to a less than significant level, the project will implement the following measures:

- To ensure that project construction activities do not adversely impact CTS, the project will implement the following measures during construction to avoid take of individual CTS.
 - Prior to the start of construction activities, a qualified biologist shall train all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices. The training shall include species description and behavior, the general measures that are being implemented to conserve these species as they relate to the project, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information will be prepared and distributed. Upon completion of training, employees will sign a form stating that they attended the training and understand all the conservation and protection measures.
 - Pre-construction surveys shall be conducted to ensure that CTS are absent from the construction area. If CTS are present, a qualified biologist possessing all necessary permits shall relocate them.
 - Immediately following the pre-construction surveys, the construction zone shall be cleared, and silt fencing shall be erected and maintained around construction zones to prevent CTS from moving into these areas. The fencing shall be a one-way exclusion fencing that restricts CTS from entering onto the construction areas and allows exit from the construction area by way of an earthen ramp sloped to a low point in the exclusion fencing that has a vertical drop on the external face. The low point shall be no less than six inches in height. This fence shall be monitored biweekly by a qualified biologist from between the beginning of the wet season through the end of pond dry-down. Extensive efforts to salvage individuals, such as scoping and digging out all suitable burrows of the site, is not required as any such individuals would be covered under the take permit.
 - A qualified biologist shall be present to monitor the initial movement of equipment and site grading. The biological monitor will only need to monitor during the rough grading activities. Construction monitoring can cease once the build-out has completely disturbed all suitable habitats (fence monitoring should continue). The

biological monitor will have the authority to stop and/or redirect project activities to ensure protection of resources and compliance with all environmental permits and conditions of the project. The biological monitor will complete a daily log summarizing activities and environmental compliance.

- Best management practices for construction activities shall be followed for protection of biological resources such as the CTS. These include but are not limited to maintaining low driving speeds (e.g. 10 mph) on site, covering open trench work at the end of the work day, and collecting site litter on a regular basis.

- The applicant shall identify a suitable mitigation strategy for impacts to potential estivation habitat for the CTS to be approved by the USFWS and CDFG, particularly for removal of the portable buildings on the northern end of campus should CTS be found estivating under these buildings. Suitable mitigation could include obtaining off-site mitigation lands at suitable ratio (a minimum of 1:1 for estivation habitat) that will offset loss of functions and values of habitat for CTS and preserving these lands in perpetuity, or by buying credits at an appropriate mitigation bank. If mitigation credits are not feasible, preservation of lands will require that a Mitigation and Monitoring Plan (MMP) be prepared for the explicit purpose of managing mitigation lands for the species. This plan should be submitted to the agencies for review and approval. At a minimum this plan shall:
 - Identify the location of the restoration efforts for replacing suitable habitats. The replacement ratio for estivation habitats will be at a minimum of a 1:1 ratio;
 - Define the objectives of the habitat mitigation, including a discussion of the suitability of the preservation lands for CTS and any management/restoration goals required to enhance the habitat;
 - Identify success criteria for monitoring both the breeding and estivation habitats that are consistent with similar habitats regionally;
 - Monitor restored habitats for at least five years;
 - Define and identify maintenance and management activities to manage the grassland habitats near the water tank to meet the stated goals of supporting habitat characteristics suitable for the CTS. This would include suitable fencing so as to control access, limited cattle grazing or other procedures to manage grass height and forage production at levels that benefit the CTS, and removal of trash, especially including potential hazardous materials.
 - Define and provide for a financial mechanism, such as a non-wasting endowment or an assessment district, that funds the management of the open space into perpetuity.
- The District is required to comply with applicable provisions of the federal Endangered Species Act, which would include obtaining take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the U.S. Fish and Wildlife Service would be initiated either through a federal nexus (i.e., Section 7 consultation, through the USACE) or through the pending Santa Clara Valley HCP process (i.e., Section 10 consultation).

MM BIO-1.2: Should the Santa Clara Valley HCP/NCCP be adopted prior to implementation of the project, and should the Gavilan Joint Community College District participate in the HCP/NCCP as a “participating special entity”, the following mitigation measure would reduce the project’s impacts to CTS to a less than significant level:

- The project applicant shall follow all requirements related to CTS set forth by the adopted Santa Clara Valley HCP/NCCP, including the submittal of all relevant applications, payment of all required fees for the disturbance of habitat, and completion of all necessary surveys. Fees paid in accordance with the extent and nature of a project’s impacts would be used to further conservation

efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for this species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts to covered species and habitats through project design and construction measures (e.g., pre-construction species surveys and seasonal restrictions on construction activities) to directly protect species. Through these measures, the conservation of the species is ensured and, therefore, the project's impacts would be reduced to a less than significant level.

MM BIO-2.1: To reduce impacts to California red legged frogs (CRLF) to a less than significant level, the project will implement the following measures:

- The following measures shall be implemented during construction to avoid take of individual CRLF.
 - Prior to the start of construction, an approved qualified biologist shall train all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices.
 - Pre-construction surveys shall be conducted to ensure that CRLF are absent from the construction area. If CRLF are present, they shall be relocated by a qualified biologist.
 - The construction zone shall be cleared, and silt fencing shall be erected and maintained around construction zones to prevent CRLF from moving into these areas.
 - A biological monitor shall be present onsite during particular times of construction to ensure no CRLF are harmed, injured, or killed during project buildout.
- Compensation for CTS estivation habitat will be sufficient for CRLF mitigation requirements, which would include a MMP which would cover both CTS and CRLF (refer to MM BIO-1).
- The District is required to comply with applicable provisions of the federal Endangered Species Act, which would include obtaining take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the U.S. Fish and Wildlife Service would be initiated either through a federal nexus (i.e., Section 7 consultation, through the USACE) or through the pending Santa Clara Valley HCP process (i.e., Section 10 consultation).

MM BIO-2.2: Should the Santa Clara Valley HCP/NCCP be adopted prior to implementation of the project, and should the Gavilan Joint Community College District participate in the HCP/NCCP as a “participating special entity”, the following mitigation measure would reduce project's impacts to CRLF to a less than significant level:

- The project applicant shall follow all requirements related to CRLF set forth by the adopted Santa Clara Valley HCP/NCCP, including the submittal of all relevant applications, payment of all required fees for the disturbance of habitat, and completion of all necessary surveys. Fees paid in accordance with the extent and nature of a project's impacts would be used to further conservation

efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for this species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts to covered species and habitats through project design and construction measures (e.g., pre-construction species surveys and seasonal restrictions on construction activities) to directly protect species. Through these measures, the conservation of the species is ensured and, therefore, the project's impacts would be reduced to a less than significant level.

MM BIO-3.1: To reduce impacts to western pond turtles (WPT) to a less than significant level, the project will implement the following measures:

- Prior to the start of construction, a qualified biologist shall train all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices.
- Pre-construction surveys shall be conducted to ensure that western pond turtles (WPT) are absent from the construction area. If WPT are present, a qualified biologist possessing all necessary permits shall relocate them.
- Immediately following the pre-construction surveys, the construction zone shall be cleared, and silt fencing shall be erected and maintained around construction zones to prevent WPT from moving into these areas.
- A biological monitor shall be present onsite during particular times of construction to ensure no WPT are harmed, injured, or killed during project buildout.

MM BIO-3.2: Should the Santa Clara Valley HCP/NCCP be adopted prior to implementation of the project, and should the Gavilan Joint Community College District participate in the HCP/NCCP as a "participating special entity", the following mitigation measure would reduce project's impacts to WPT to a less than significant level:

- The project applicant shall follow all requirements related to WPT set forth by the adopted Santa Clara Valley HCP/NCCP, including the submittal of all relevant applications, payment of all required fees for the disturbance of habitat, and completion of all necessary surveys. Fees paid in accordance with the extent and nature of a project's impacts would be used to further conservation efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for this species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts to covered species and habitats through project design and construction measures (e.g., pre-construction species surveys and seasonal restrictions on construction activities) to directly protect species. Through these measures, the conservation of the species is ensured and, therefore, the project's impacts would be reduced to a less than significant level.

MM BIO-4.1: To reduce impacts to burrowing owls to a less than significant level, the project will implement the following measures:

- A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of construction. This survey will be conducted according to methods described

in the *Staff Report on Burrowing Owl Mitigation* (CDFG 1995). All suitable habitats of the study area shall be covered during this survey.

- If pre-construction surveys undertaken during the breeding season (February 1 through August 31) locate active nest burrows within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) shall remain off-limits to construction until the breeding season is over.
- If pre-construction surveys undertaken during the non-breeding season (September 1 through January 31) locate active nest burrows within or near construction zones, resident owls shall be relocated to alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist. Passive relocation will be the preferred method of relocation. This plan must provide for the owl's relocation to nearby lands possessing available nesting and foraging habitat.

MM BIO-4.2: Should the Santa Clara Valley HCP/NCCP be adopted prior to implementation of the project, and should the Gavilan Joint Community College District participate in the HCP/NCCP as a “participating special entity”, the following mitigation measure would reduce project's impacts to burrowing owls to a less than significant level:

- The project applicant shall follow all requirements related to burrowing owls set forth by the adopted Santa Clara Valley HCP/NCCP, including the submittal of all relevant applications, payment of all required fees for the disturbance of habitat, and completion of all necessary surveys. Fees paid in accordance with the extent and nature of a project's impacts would be used to further conservation efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for this species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts to covered species and habitats through project design and construction measures (e.g., pre-construction species surveys and seasonal restrictions on construction activities) to directly protect species. Other requirements specific to this species may include a separate Burrowing Owl Fee, preconstruction surveying, and mapping of potential burrows within 30 days of ground disturbance to document evidence of owl presence or absence, avoidance of active burrows when possible, installation of one-way doors in occupied burrows during non-breeding season, construction monitoring of any buffer areas, and training of personnel. Through these measures, the conservation of the species is ensured and, therefore, the project's impacts would be reduced to a less than significant level.

MM BIO-5.1: To reduce impacts to white-tailed kites, golden eagles, and nesting raptors to a less than significant level, the project will implement the following measures:

- Should project construction be scheduled to commence between February 1 and August 31, a pre-construction survey shall be conducted by a qualified biologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site. This survey shall occur within 30 days of the on-set of construction.
- If pre-construction surveys undertaken during the nesting season locate active nests within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) shall remain off-limits to construction until the nesting season is over. Suitable

setbacks from occupied nests shall be established by a qualified biologist and maintained until the conclusion of the nesting season.

MM BIO-5.2: Should the Santa Clara Valley HCP/NCCP be adopted prior to implementation of the project, and should the Gavilan Joint Community College District participate in the HCP/NCCP as a “participating special entity”, the following mitigation measure would reduce project’s impacts to golden eagles to a less than significant level. MM BIO-5.1 would still be required for impacts to white tailed kites and other non-listed nesting raptors, since they are not covered by the HCP/NCCP:

- The project applicant shall follow all requirements related to golden eagles set forth by the adopted Santa Clara Valley HCP/NCCP, including the submittal of all relevant applications, payment of all required fees for the disturbance of habitat, and completion of all necessary surveys. Fees paid in accordance with the extent and nature of a project’s impacts would be used to further conservation efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for this species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts to covered species and habitats through project design and construction measures (e.g., pre-construction species surveys and seasonal restrictions on construction activities) to directly protect species. Through these measures, the conservation of the species is ensured and, therefore, the project’s impacts would be reduced to a less than significant level.

MM BIO-6: To reduce impacts to dusky-footed woodrats to a less than significant level, the project will implement the following measures:

- A qualified biologist shall conduct a pre-construction survey for San Francisco dusky-footed woodrat nests no more than 30 days prior to the onset of construction activities within 50 feet of construction zones around the water tank only. Woodrat surveys in other areas of the project site are not warranted.
- Identified nests shall be avoided, where possible. If avoidance is not possible, the nest(s) shall be manually deconstructed when helpless young are not present, typically during the non-breeding season (October through January).
- If it is determined that young may be present during the pre-construction survey, a suitable buffer shall be established around the nest until the young are independent enough to successfully move from the deconstructed nest.

MM BIO-7: To reduce impacts to American badgers to a less than significant level, the project will implement the following measures:

- Pre-construction surveys conducted for burrowing owls no more than 30 days prior to the onset of construction activities shall also be used to determine the presence or absence of badgers in the development footprint.
- If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or distance specified by the resource agencies, i.e., CDFG) shall be established around the den. Because badgers are known

to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor would be necessary onsite until it is determined that young are of an independent age and construction activities would not harm individual badgers.

- Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated, and ground disturbance can proceed.

MM BIO-8: To reduce impacts to round-leaved filaree and Congdon's tarplant to a less than significant level, the project will implement the following measures:

- Three botanical surveys (scheduled in March, June and late October) shall be conducted within the grassland habitat to confirm the presence/absence of these species on the site.
- If the botanical surveys reveal the presence of round-leaved filaree and/or Congdon's tarplant, and the project cannot be designed to avoid substantial impacts, a Site Restoration Plan shall be developed for the significantly impacted species by a qualified botanist or plant ecologist prior to the start of project construction. The objective of the Site Restoration Plan would be to replace the special-status plants and habitat lost during project implementation. The proposed restoration program shall be monitored for a period of five years from the date of site grading. The Site Restoration Plan should contain at a minimum the following:
 - Identification of appropriate locations onsite as determined by the botanist or plant ecologist (i.e., areas with suitable soils, aspect, and hydrology) to restore lost plant populations.
 - A description of the propagation and planting techniques to be employed in the restoration effort. Perennial plants to be impacted by site grading shall be salvaged and raised in a greenhouse for eventual transplanting within the restoration areas. Annual plants can best be established by collecting seeds of onsite plants prior to project implementation and then directly seeding into remaining suitable habitat.
 - A timetable for implementation of the restoration plan.
 - A monitoring plan and performance criteria.
 - A description of remedial measures to be performed in the event that initial restoration measures are unsuccessful in meeting the performance criteria.
 - A description of site maintenance activities to follow restoration activities. These may include weed control, irrigation, and control of herbivory by livestock and wildlife.
- If an onsite restoration plan is not feasible, mitigation for impacted special-status plant species could be accommodated through restoration or preservation at an off-site location. Any off-site restoration plan would be subject to the same minimum requirements as indicated above for an onsite restoration plan.

If off-site preservation is the mitigation alternative chosen, then the mitigation site must be confirmed to support populations of the impacted species and must be established as a conservation easement to be preserved in perpetuity. A qualified botanist or plant ecologist shall prepare a Preservation Plan for the site containing, at a minimum, the following elements:

- A monitoring plan and performance criteria for the preserved plant population.
- A description of remedial measures to be performed in the event that performance criteria are not met.
- A description of maintenance activities to be conducted on the site including weed control, trash removal, irrigation, and control of herbivory by livestock and wildlife.

The District would be responsible for funding the development and implementation of any onsite or off-site Preservation Plan.

MM BIO-9.1: To reduce impacts to riparian habitat, federally protected wetlands, and other sensitive natural communities to a less than significant level, the project will implement the following measures:

- Prior to construction, construction fencing shall be placed around riparian areas adjacent to proposed project elements, including the Parking Lot C Extension and the Riparian Habitat outdoor classroom, to ensure that construction activities do not inadvertently impact these areas.
- Any proposed future lighting on the property (e.g., footpath lighting) shall be designed to minimize light and glare impacts to the riparian corridor. To the maximum extent practicable, light sources shall not be visible from the more natural riparian habitat areas occurring west of the developed environs of the campus. Additionally, the Riparian Habitat outdoor classroom shall be designed to avoid the loss of trees within and adjacent to the channel to the maximum extent practicable.
- As compensation for the permanent loss of approximately 140 linear feet and approximately 0.02 acres of jurisdictional channel as a result of the Parking Lot C Expansion and potentially a small amount of riparian area within the jurisdiction of CDFG as a result of the development of the Riparian Habitat outdoor classroom, the District will prepare, implement and fund a Mitigation and Monitoring Plan (MMP). The MMP would result in the creation of in-kind or better quality riparian or wetland habitat at a minimum ratio of 2:1 creation:loss for impacts to the channel below the duck pond, and a minimum of a 2:1 enhancement:loss for any riparian habitat impacted as a result of the outdoor classroom. It appears that adequate opportunities exist onsite to accommodate these compensatory measures; however, if these measures cannot be accommodated onsite, then offsite restoration would be necessary. Compensation measures shall include:
 - Creation of riparian channel habitat or wetlands at a ratio of 2:1 (creation:loss) ratio for impacts to the channel downstream of the duck pond as a result of the Parking Lot C Expansion.
 - Enhancement of riparian habitat at a ratio of 2:1 (enhancement:loss) for any impacts to riparian habitat as a result of the construction of the outdoor classroom.

- Replacement of any native riparian trees with a diameter-at-breast-height (DBH) of four inches or greater at a ratio of 3:1 (replacement:removal), and a 10:1 (replacement:removal) ratio for trees with a DBH greater than 24 inches, with the same native riparian species or with other riparian species that would occur in natural riparian habitats in the site's vicinity and elevation.

These measures shall be implemented according to a MMP developed by a qualified restoration ecologist and which is approved by the District and any regulatory agencies from which permits may be required for impacts to jurisdictional waters of the site. The MMP will, at a minimum, include the following:

- A map showing the location(s) of all enhancement and creation activities;
 - Evidence of a suitable water budget to support any created wetland and riparian habitats;
 - Identification of the species, numbers and locations of plantings to be installed;
 - Identification of the time of year for planting (preferably in fall or winter) and the methods for supplemental watering during the establishment period;
 - Identification of the monitoring period, which should be not less than five years, and definition of success criteria that will be required for the mitigation to be deemed a success;
 - Identification of adaptive management procedures that accommodate the uncertainty that comes with mitigation projects. These include (but are not limited to) measures to address colonization by invasive species, unexpected lack of water, and excessive foraging of installed plants by native wildlife;
 - Required management and maintenance activities (removal of invasive species, providing for supplemental water, and repair of water delivery systems,); and
 - A mechanism for surety in funding the preparation, implementation and monitoring of the MMP, and ensures that mitigation sites are preserved and managed into perpetuity.
- The District is required to comply with all applicable state and federal regulations related to construction work that will impact jurisdictional areas of the site. The project will require a Clean Water Act Section 404 permit from USACE; a Clean Water Act Section 401 Certification or Waiver of Requirements from RWQCB; and a Section 1600 Streambed Alteration Agreement from the CDFG prior to initiating any construction activities within jurisdictional areas.

MM BIO-9.2: Should the Santa Clara Valley HCP/NCCP be adopted prior to implementation of the project, and should the Gavilan Joint Community College District participate in the HCP/NCCP as a “participating special entity”, the following mitigation measure would reduce project’s impacts to riparian habitat, federally protected wetlands, and other sensitive natural communities to a less than significant level:

- The project applicant shall follow all requirements related to riparian habitat, federally protected wetlands, and other sensitive natural communities set forth by the adopted Santa Clara Valley

HCP/NCCP, including the submittal of all relevant applications, payment of all required fees for the disturbance of habitat, and completion of all necessary surveys. Fees paid in accordance with the extent and nature of a project's impacts would be used to further conservation efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for protected species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts to covered species and habitats through project design and construction measures (e.g., pre-construction species surveys and seasonal restrictions on construction activities) to directly protect species. Through these measures, the conservation of sensitive natural communities is ensured and, therefore, the project's impacts would be reduced to a less than significant level.

B. Cultural Resources

MM CUL-1: The following mitigation measures will be implemented during construction to avoid significant impacts to unknown cultural resources:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Santa Clara County Director of Planning will be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning.
- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If the NAHC is unable to identify a most likely descendent, the most likely descendent fails to make a recommendation, or the landowner rejects the recommendation of the descendent and the mediation by the NAHC fails to provide measures acceptable to the landowner, the landowner shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

MM CUL-2: If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The Gavilan Joint Community College District will be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented.

C. Hazards and Hazardous Materials

The following mitigation measures will be implemented to reduce the potential for construction workers and users of the Native Plant Propagation outdoor classroom to encounter hazardous materials contamination.

- MM HAZ-1.1:** Prior to initiation of excavation and grading activities in the vicinity of the maintenance yard and in the agricultural fields east of the campus, soil samples shall be taken in the areas of proposed ground disturbance to test for the presence of contaminated soil.
- MM HAZ-1.2:** In the event contaminated soil is detected during sampling, a site management plan (SMP) shall be developed by a qualified hazardous materials professional to establish management practices for handling contaminated soil or other materials if encountered during excavation and grading activities. The SMP shall be reviewed and approved by the Gavilan Joint Community College District and Santa Clara County Department of Environmental Health prior to commencing construction activities.
- MM HAZ-1.3:** Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations and includes the requirements and procedures for employee protection.
- MM HAZ-1.4:** Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Contaminated soils shall be disposed of at a licensed facility in accordance with all appropriate local, state, and federal regulations.
- MM HAZ-1.5:** The use of hazardous materials on the site will be subject to all applicable federal, state, and local regulations.

The following mitigation measures, based on Cal-OSHA and other applicable regulations, are proposed to reduce potential impacts to construction workers and others from lead-based paint to a less than significant level.

- MM HAZ-2.1:** To identify and quantify materials containing lead-based paint, a survey, including sampling and testing, shall be completed prior to the commencement of demolition activities associated with the existing water tank.
- MM HAZ-2.2:** During demolition activities, all materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control.
- MM HAZ-2.3:** Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

D. Hydrology and Water Quality

MM HYD-1: The following mitigation measures, based on Regional Water Quality Control Board (RWQCB) best management practices (BMPs), will reduce construction-related water quality impacts. All mitigation will be implemented prior to the start of earthmoving activities on-site and will continue until the construction is complete.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- A Storm Water Permit will be administered by the RWQCB. Prior to construction grading for the proposed land uses, the project proponent will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB mitigation.
- The Gavilan Joint Community College District will prepare a SWPPP prior to start of construction on the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a NOT for the General Permit for Construction will be filed with the RWQCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

III. FINDING

The Gavilan Joint Community College District Board of Trustees hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study will reduce the impacts to a less than significant level.

Vice President of Administrative Services

Date: _____