

**PLANNING COMMISSION RESOLUTION NO. 19-009**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE VAN NESS AVENUE WELL FIELD PROJECT (EAS17-00001) (SCH NO. 2018101064).

**MITIGATED NEGATIVE DECLARATION - EAS17-00001**

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**WHEREAS**, the Planning Commission of the City of Torrance conducted a duly noticed public hearing on December 5, 2018 to consider a Mitigated Negative Declaration for an Environmental Assessment (EAS17-00001) filed by the City of Torrance – Public Works Department to allow the construction of a new, 4 mile long, municipal well water transmission main within Van Ness Avenue (“Project”), and related development of groundwater wells at Descanso Park, La Carretera Park, and a presently vacant site (APN: 4905-019-901), to distribute fresh well water into the City’s water system; and

**WHEREAS**, an Initial Study (EAS17-00001) was prepared to assess the potential environmental impacts associated with Original Project, and based on all the evidence found and public testimony considered, at its meeting of December 5, 2018, the Planning Commission of the City of Torrance adopted a Mitigated Negative Declaration (State Clearinghouse No. 2018101064) and subsequently approved EAS17-00001 to allow the construction of the Van Ness Avenue Well Field; and

**WHEREAS**, the Planning Division of the Community Development Department, acting as lead agency under the California Environmental Quality Act (“CEQA”) circulated for public comment a proposed Initial Study and draft Mitigated Negative Declaration (the “Draft MND”) for the Project; and

**WHEREAS**, in accordance with State CEQA Guidelines Section 15072(b), on October 25, 2018, the Planning Division mailed a Notice of Intent to Adopt the Draft MND to all responsible and trustee agencies, the Office of Planning and Research, and members of the public that have requested notice; the Planning Division also published the Notice of Intent to Adopt the Draft MND in the Daily Breeze, a newspaper of general circulation; and

**WHEREAS**, as required by State CEQA Guidelines section 15072(d), the Notice of Intent to Adopt the Draft MND was concurrently posted by the Clerk for the County of Los Angeles; and

**WHEREAS**, in accordance with State CEQA Guidelines section 15073, the Draft MND was circulated for at least 30 days, from October 25, 2018 through November 26, 2018; and

**WHEREAS**, due and legal publication of notice was given to properties in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of the Torrance Municipal Code; and

**WHEREAS**, the Planning Division recommended that the Planning Commission approve a resolution adopting the MND and Mitigation Monitoring and Reporting Program (“MMRP”); and

**WHEREAS**, the Planning Commission has carefully reviewed the MND and MMRP, which are incorporated by reference into this Resolution (Exhibit A); and

**WHEREAS**, based on the MND and the MMRP, the Planning Commission has determined that there is no substantial evidence in light of the whole record that the Project will have a significant effect on the environment; and

**WHEREAS**, the Planning Commission has considered all of the information presented to it as set forth above and this Resolution and action taken hereby is a result of the Planning Commission's independent judgement and analysis; and

**WHEREAS**, all the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied in connection with the preparation of the MND, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project, as well as feasible mitigation measures, have been adequately evaluated; and

**WHEREAS**, no comments made during the public review period, or in the public meeting conducted by the Planning Commission and no additional information submitted to the Commission have produced substantial new information requiring recirculation of the MND or additional environmental review of the Project under State CEQA Guidelines section 15073.5; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED** the Planning Commission of the City of Torrance hereby finds and determine as follows:

**SECTION 1. RECITALS.** The Planning Commission of the City of Torrance finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution

**SECTION 2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.** As a decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the MND and other documents contained in the administrative record for the Project. Based on the Planning Commission's independent review and analysis, the Commission finds that the MND and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the MND has been completed in compliance with CEQA and the State CEQA Guidelines.

**SECTION 3. FINDINGS ON ENVIRONMENTAL IMPACTS.** Based on the whole record before it, including the MND, the administrative record, and all other written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts of the Project are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the MND and the MMRP. The Planning Commission finds that substantial evidence fully supports the conclusion that no significant and unavoidable impacts will occur and that, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts. The Planning Commission finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement and analysis of the Planning Commission.

**SECTION 4. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION.** The Planning Commission hereby approves and adopts the MND.

**SECTION 5. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM.** In accordance with Public Resources Code section 21081.6, the Planning





EXHIBIT "A"

Mitigated Negative Declaration and Monitoring and Reporting Program



## City of Torrance, Community Development Department

3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990

Jeffery W. Gibson, Director

# Mitigated Negative Declaration

## Van Ness Avenue Wellfield Project

**Lead Agency:** City of Torrance

**Project Proponent:** City of Torrance

**Project Location:** Project is located entirely in the City of Torrance, CA from Well No. 14 (Site No. 3) at Descanso Park (2500 Descanso Way) south on Casimir Avenue to 182nd Street, then east to Purche Avenue then south to 185<sup>th</sup> Street, west to Well No. 12 (Site No. 1) and east to Van Ness Avenue, south to 213th Street, then south on Border Avenue to the existing reservoir at 2223 Border Avenue.

Water pipe runs from site of Well No. 12, (Site No. 1) 120 feet west of Purche Avenue along 185th Street to Van Ness Avenue, then South on Van Ness Avenue to 186th Street to connect to new pipe from Well No.13. (Site No. 2). A new pipe along 186th Street from Well No. 13 (Site No. 2) at the west end of La Carretera Park to join the new pipe in Van Ness Avenue is included. The primary pipe then extends south in Van Ness Avenue to 213rd Street. The pipeline then continues south in Border Avenue to end at, and go into, the Well No. 7 Facility (Site No. 4) at 2223 Border Avenue. A new storm drain will continue south from 2223 Border Avenue to connect with existing City of Torrance pipe in Border Avenue north of Plaza Del Amo.

**Project Description:** Construction of a new, 4 mile long, municipal well water transmission main within Van Ness Avenue and related development of groundwater wells at three sites, to distribute fresh well water into the City's water system. Water from the three well sites will be stored and treated at the existing reservoir and pump station complex located at 2223 Border Avenue (Site No. 4). Site No. 1 (located on City property at 185<sup>th</sup> Street, west of Purche Avenue) and Site No. 2 (located at the west end of La Carretera Park) contain existing drilled pilot wells, to be further developed. Site No. 3 (located at the southwest corner of Descanso Park) is proposed to be developed as a new well site. The development of each well site is proposed to incorporate new electric well pumps and related equipment, comparable to that of existing municipal water wells currently in operation throughout the city. Additionally, each well site will include the construction of new sound-suppressing enclosures, consisting of split-faced cinder block walls, with roof styles to blend in with surrounding neighborhoods. No additional above-ground facilities are proposed to be constructed at this time and the project is located entirely within City-owned property and the existing public right-of-way.

Along the project's northerly end, a new storm drain system will be constructed from Site No. 3, to the intersection of Casimir Avenue and Artesia Boulevard. The southerly end of the project will include the extension of an existing storm drain pipe from an existing storm drain in Border Avenue, north of Plaza Del Amo, for disposal of potable and raw water from the reservoir facility at 2223 Border Avenue. Lastly, the project includes ancillary park lighting, landscaping, fencing and limited court refinishing at La Carretera Park and Descanso Park.

**Proposed Finding:** Based on the information contained in the attached Initial Study, the City of Torrance finds that there would not be a significant effect to the environment because the mitigation measures described herein would be incorporated as part of the Proposed Project.

**Public Review Period:** October 25, 2018 to November 26, 2018



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# Mitigated Negative Declaration

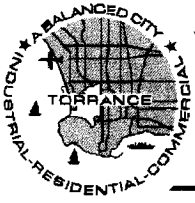
## Mitigation Measures Incorporated into the Project to Avoid Significant Effects:

### Biological Resources

- B-1:** Prior to the issuance of demolition or grading permits, the Applicant shall place the following notes on the NTWF project plans: The Applicant shall remove trees during the non-breeding season (September 1 to end of February) in order to comply with the Federal Migratory Bird Treaty Act and avoid potential takes of active nests including raptors and other migratory nongame birds. If the Applicant has not removed the trees during the non-breeding period and intends to commence NTWF project construction during March 1 through August 31 (breeding season), the Applicant shall have a USFWS/CDFG approved biologist conduct weekly bird surveys. These surveys will be conducted to determine if there are protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allow. The surveys should continue on a weekly basis with the last survey being conducted no more than three (3) days prior to the initiation of clearance/construction work. If a protected native bird is found, the Applicant should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the approved biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by the approved biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel should be instructed on the sensitivity of the area. The Applicant should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

### Cultural Resources

- CR-1:** CR-1: If buried archaeological resources are encountered during Van Ness Avenue Water Wells Transmission Mains and Related Well No. 12, Well No. 13, and Well No. 14 project construction, the Applicant/City's construction contractor shall immediately stop work in the area. The City shall be notified immediately and work shall be halted until the City can retain a qualified archaeologist, and the nature and significance of the find are determined. If significant archaeological resources are found, it shall be salvaged and collected in compliance with all applicable regulations and sent to a designated museum.
- CR-2:** CR-2: If paleontological resources are found during Van Ness Avenue Water Wells Transmission Mains and Related Well No. 12, Well No. 13, and Well No. 14 project construction, the Applicant/City's construction contractor shall immediately stop work in the area. The City shall be notified immediately and work shall be halted until the City can retain a qualified paleontologist who shall determine the significance of the find. If significant paleontological resources are found they shall be salvaged and collected in compliance with the applicable regulations and sent to a designated museum.
- CR-3:** In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined the appropriate treatment and disposition of the human remains. The County Coroner shall make such a determination within two working days of notification of the discovery. The County Coroner shall be notified within 24 hours of the discovery. If the County Coroner determines that the remains are or are believed to be Native American, the County



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# Mitigated Negative Declaration

Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the County Construction Engineer, the treatment and disposition of the human remains.

## Noise

**MM NOI-1:** Prior to issuance of permits to perform construction, a construction noise mitigation plan shall be prepared, reviewed, and approved by the City of Torrance Community Development Director. The plan shall be implemented during project construction per the following methods:

- a) At least 90 days prior to the start of construction activities, residents within 1,000 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification should include the telephone number of the City's authorized representative to respond in the event of a vibration or noise complaint.
- b) At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, which contains a contact name and telephone number of the City's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.
- c) During the entire active construction period and to the extent feasible, limit construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) from residential areas around the project site.
- d) During the entire active construction period, all heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- e) During the entire active construction period and to the extent feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment.
- f) During the entire active construction period and to the extent feasible, all stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.
- g) During the entire active construction period and to the extent feasible, limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine idling.
- h) During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use of smart back-up alarms, which automatically adjust the alarm level based on the background noise level shall be utilized, or back-up alarms shall be turned off and replaced with human spotters.





## City of Torrance, Community Development Department

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# Mitigated Negative Declaration

**MM NOI-2:** Where feasible, erect a temporary noise barrier/curtain as close as possible to the drilling rig and pumping units as practical. The term "feasible" is defined in CEQA to mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

These temporary noise barriers/curtains shall be between the drilling rig and all residential receptors that are within 500 feet of the wellhead and shall be relative to all directions from the wellhead that have direct line-of-site access to the drilling equipment; to the extent feasible. For Well Site 1 (Well No. 12), this shall be along the entire well site perimeter. For Well Site 2 (Well No. 13), this shall be along the western, northern, and eastern boundaries of the well site. For Well Site 3 (Well No. 14), this shall be along the entire well site perimeter.

The temporary sound barrier shall have a minimum height of 16 feet. The barrier can be implemented via:

- a) A 1-inch-thick plywood wall OR
- b) A hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For this configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7. OR
- c) A stacked arrangement of two standard shipping containers (which would yield a height of 17 feet).

For all the above alternatives, the entire barrier system shall be continuous along the noted site boundaries such that there shall be no holes, gaps, and discontinuities. For all the above alternatives, the entire barrier system, as implemented in the field, shall achieve a Sound Transmission Class (STC) of 35 or greater.

The above conditions shall be implemented by the construction contractor(s) via a designated health, safety and environmental (HSE) coordinator or a similar person. The details of the construction noise mitigation plan, including those listed above, shall be included as part of the permit application drawing set and as part of the construction drawing set. Verification shall be performed by the City's Project Manager and the City's building inspection staff.

## Tribal Cultural Resources

**TCR-1: Retain a Native American Monitor:** The project Applicant will be required to retain the services of a tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation and will be present on-site during the construction phases that involve any ground disturbing activities to a depth of 15 feet, provided that if certain soil conditions are discovered, a farther depth may be required. Ground disturbance is defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete monitoring logs on a daily basis that will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archaeological resources.



## Mitigated Negative Declaration

- TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All Archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor 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 reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, 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 and 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. Any historic archaeological material that is not Native American in origin shall be curated at a public, not-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 a local school or historical society in the area for educational purposes.
- TCR-3: 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 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.
- TCR-4: Resource Assessment & Continuation of Work Protocol:** Upon discovery, the tribal and/or archaeological monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor(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 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 Descendant (MLD).
- TCR-5: Kizh-Gabrieleño Procedures for Burials and Funerary Remains:** If the Gabrieleño Band of Mission Indians-Kizh Nation is designated MLD, the following treatment measures 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 burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains 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.



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# Mitigated Negative Declaration

**TCR-6: 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 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 complete 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 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. If not, such items will be stored at a mutually agreeable off-site location that provides appropriate security. 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.

**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.

**Mitigation Monitoring and Reporting Plan: Van Ness Avenue Wellfield**  
**(EAS17-000001 SCH# 2018101064)**

**CULTURAL RESOURCES** Mitigation Measures

**CR-1** If buried archaeological resources are encountered during Van Ness Avenue Water Wells Transmission Mains and Related Well No. 12, Well No. 13, and Well No. 14 project construction, the Applicant/City's construction contractor shall immediately stop work in the area. The City shall be notified immediately and work shall be halted until the City can retain a qualified archaeologist, and the nature and significance of the find are determined. If significant archaeological resources are found, it shall be salvaged and collected in compliance with all applicable regulations and sent to a designated museum.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**CR-2:** If paleontological resources are found during Van Ness Avenue Water Wells Transmission Mains and Related Well No. 12, Well No. 13, and Well No. 14 project construction, the Applicant/City's construction contractor shall immediately stop work in the area. The City shall be notified immediately and work shall be halted until the City can retain a qualified paleontologist who shall determine the significance of the find. If significant paleontological resources are found they shall be salvaged and collected in compliance with the applicable regulations and sent to a designated museum.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**CR-3:** In accordance with Section 7050.5 of the California Health and Safety Code, if human remains of any kind are found no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined the appropriate treatment and disposition of the human remains. The County Coroner shall be notified within 24 hours of the discovery. The County Coroner shall make such determination within two working days of notification of the discovery. If the County Coroner determines that the remains are or are believed to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of

being granted access to the site. The designated Native American representative would then determine, in consultation with the County Construction Engineer, the treatment and disposition of the human remains.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**NOISE Mitigation Measures**

**MM NOI-1:** Prior to issuance of permits to perform construction, a construction noise mitigation plan shall be prepared, reviewed, and approved by the City of Torrance Community Development Director. The plan shall be implemented during project construction per the following methods:

- a) At least 90 days prior to the start of construction activities, residents within 1,000 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification should include the telephone number of the City’s authorized representative to respond in the event of a vibration or noise complaint.
- b) At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, which contains a contact name and telephone number of the City’s authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.
- c) During the entire active construction period and to the extent feasible, limit construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) from residential areas around the project site.
- d) During the entire active construction period, all heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- e) During the entire active construction period and to the extent feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment.

f) During the entire active construction period and to the extent feasible, all stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.

g) During the entire active construction period and to the extent feasible, limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine idling.

h) During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use of smart back-up alarms, which automatically adjust the alarm level based on the background noise level shall be utilized, or back-up alarms shall be turned off and replaced with human spotters.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Preconstruction, Construction
Implementation Phase	Preconstruction, Construction
Monitoring Phase	Construction

**MM NOI-2:** Where feasible, erect a temporary noise barrier/curtain as close as possible to the drilling rig and pumping units as practical. The term "feasible" is defined in CEQA to mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

These temporary noise barriers/curtains shall be between the drilling rig and all residential receptors that are within 500 feet of the wellhead and shall be relative to all directions from the wellhead that have direct line-of-site access to the drilling equipment; to the extent feasible. For Well Site 1 (Well No. 12), this shall be along the entire well site perimeter. For Well Site 2 (Well No. 13), this shall be along the western, northern, and eastern boundaries of the well site. For Well Site 3 (Well No. 14), this shall be along the entire well site perimeter.

The temporary sound barrier shall have a minimum height of 16 feet. The barrier can be implemented via:

- a) A 1-inch-thick plywood wall OR
- b) A hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For this configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7. OR

c) A stacked arrangement of two standard shipping containers (which would yield a height of 17 feet).

For all the above alternatives, the entire barrier system shall be continuous along the noted site boundaries such that there shall be no holes, gaps, and discontinuities. For all the above alternatives, the entire barrier system, as implemented in the field, shall achieve a Sound Transmission Class (STC) of 35 or greater.

The above conditions shall be implemented by the construction contractor(s) via a designated health, safety and environmental (HSE) coordinator or a similar person. The details of the construction noise mitigation plan, including those listed above, shall be included as part of the permit application drawing set and as part of the construction drawing set. Verification shall be performed by the City's Project Manager and the City's building inspection staff.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**TRIBAL CULTURAL RESOURCES Mitigation Measures**

**TCR-1: Retain a Native American Monitor.** The project Applicant will be required to retain the services of a tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation and will be present on-site during the construction phases that involve any ground disturbing activities to a depth of 15 feet, provided that if certain soil conditions are discovered, a farther depth may be required. Ground disturbance is defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete monitoring logs on a daily basis that will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archaeological resources.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Preconstruction, Construction
Implementation Phase	Preconstruction, Construction
Monitoring Phase	Construction

**TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All Archaeological resources unearthed by project construction activities shall be evaluated by the

qualified archaeologist and tribal monitor 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 reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, 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 and 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. Any historic archaeological material that is not Native American in origin shall be curated at a public, not-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 a local school or historical society in the area for educational purposes.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**TCR-3: 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 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.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction



**TCR-4: Resource Assessment & Continuation of Work Protocol:** Upon discovery, the tribal and/or archaeological monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor(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 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 Descendant (MLD).

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**TCR-5: Kizh-Gabrieleño Procedures for Burials and Funerary Remains:** If the Gabrieleño Band of Mission Indians-Kizh Nation is designated MLD, the following treatment measures 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 burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains 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.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**TCR-6: 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 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 complete 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 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. If not, such items will be stored at a mutually agreeable off-site location that provides appropriate security. 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.

Responsible Entity	Torrance Public Works Dept.
Monitoring Entity	Torrance Community Development Dept.
Type of Requirement	Construction
Implementation Phase	Construction
Monitoring Phase	Construction

**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.