



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JULY 7, 2020
FROM: PUBLIC WORKS DEPARTMENT WARD: 1
**SUBJECT: TEQUESQUITE CREEK MAINTENANCE PROJECT – ADOPTION OF A
MITIGATED NEGATIVE DECLARATION**

ISSUE:

Adopt a Mitigated Negative Declaration for the Tequesquite Creek Maintenance Project.

RECOMMENDATIONS:

That the City Council:

1. Find that the Tequesquite Creek Maintenance project will not have a significant effect on the environment based on the analysis and mitigation set forth in the case record herein; and
2. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

BACKGROUND:

On December 15, 2015, the City Council approved a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for the long-term routine maintenance of a 500 linear foot section of Tequesquite Creek. The purpose of the Tequesquite Creek Maintenance Project is to maintain adequate flood capacity and remove trash and debris that collects in the channel bottom to prevent it from washing downstream. In the past, issues at Tequesquite Creek have led to flooding of the nearby Tequesquite Community Garden and Ryan Bonaminio Park.

Following the City Council's approval of the agreement, staff was informed by CDFW that they would not sign the agreement until a full California Environmental Quality Act (CEQA) analysis was performed. Since that time, staff has taken many steps to complete the CEQA analysis and has worked with multiple regulatory agencies and other organizations throughout the process.

DISCUSSION:

Staff procured the services of an environmental consultant to assist with the CEQA analysis. Together with the consultant, staff has completed the following:

1. Vegetation mapping and jurisdictional delineation of waters

2. Air quality and Greenhouse Gas Modeling
3. AB-52 notifications and consultations with Native American tribes
4. Determination of Biologically Equivalent or Superior Preservation (DBESP)
5. Multiple Species Habitat Conservation Plan (MSHCP) Biological Habitat Assessment
6. MSHCP Joint Project Review
7. Draft Initial Study and Draft Mitigated Negative Declaration (IS/MND)

In addition, since initiating the necessary steps to complete CEQA, staff has held multiple discussions with CDFW, the Santa Ana Regional Water Quality Control Board, and Army Corps of Engineers. The CEQA analysis identified 0.66 acres of riparian impacts for which mitigation would be required. On February 5, 2020, the IS/MND for the Project (Attachment 2) was circulated for public review. The review period closed on March 5, 2020 and no comments were received.

As detailed in the IS/MND, 0.66 acres of riparian impacts are identified for which mitigation would be required. The IS/MND contains options for how the City might fulfill this requirement. Staff has explored these options and it seems likely the City would purchase 1.32 acres of credits within a resource agency–approved mitigation bank to an in-lieu fee program. This would be required prior to commencement of work. However, staff continues to investigate the options and will return to the Council at a later date for approval of the recommended option.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the Mitigated Negative Declaration.

Prepared by: Kris Martinez, Public Works Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Location Map
2. Draft Initial Study and Draft Mitigated Negative Declaration (IS/MND)