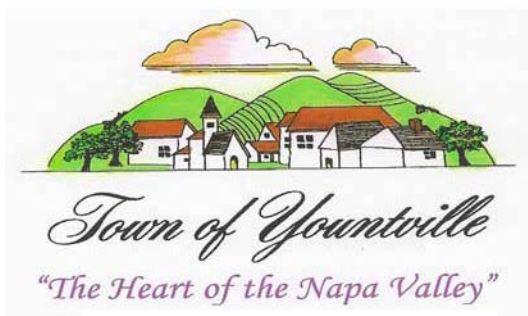


# YOUNTVILLE RECYCLED WATER EXPANSION PROJECT

## FINAL ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN

PREPARED FOR:



6550 Yount Street  
Yountville, CA 94599



6550 United States Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

**JULY 2012**

# **FINAL ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION FOR THE YOUNTVILLE RECYCLED WATER EXPANSION PROJECT**

Prepared for:

Town of Yountville  
6550 Yount Street  
Yountville CA, 94599

United States Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

JULY 2012



2235 Mercury Way, Suite 150  
Santa Rosa, CA 95407  
(707) 523-1010

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**Mitigated Negative Declaration  
Town of Yountville  
Town of Yountville Recycled Water Expansion Project**

**Project Title**

Town of Yountville Recycled Water Expansion Project

**Lead Agency Name and Address**

Town of Yountville  
6550 Yount Street  
Yountville, CA 95499

**Contact Person**

Graham Wadsworth  
Town of Yountville Public Works Director/Town Engineer  
Phone: (707) 948-2628  
[gwadsworth@yville.com](mailto:gwadsworth@yville.com)

**Project Sponsor**

Town of Yountville

**Project Location**

The Project would be located in and near the Town of Yountville in Napa County, California. The Joint Wastewater Treatment Plant (JTP) is located at 7501 Solano Avenue west of State Highway 29 at the southwest end of the Yountville town limits. Except for the Vintner Golf Course, the Project is generally located to the east of the JTP.

**Project Description**

The Town proposes to meet its wastewater reuse permit requirements and offset Napa River water and groundwater use by expanding its existing recycled water system to accommodate additional recycled water users. The Project includes three phases. The Project would install approximately 20,000 linear feet of new 8-inch diameter pipeline, 1,190 linear feet of new 6-inch diameter pipeline, new valves and turnouts (inlets) for new recycled water customers, and equipment upgrades at the JTP and Recycled Water Pump Station (RWPS) to distribute disinfected tertiary recycled water to existing vineyard irrigation ponds. The recycled water pumped from the JTP would augment the water in these ponds for all or part of the year for irrigation purposes. Under the Project, new vineyard customers currently utilizing Napa River water or groundwater for drip irrigation would switch to use of Title 22 disinfected tertiary treated recycled water when it is available. Vineyard customers would continue to utilize pumped Napa River water or groundwater when recycled water is not available.

The Project would provide increased recycled water delivery rates via equipment upgrades at the RWPS and installation of parallel pipelines and increased use of existing storage capacity through the installation of new pipeline. The Project would utilize 215 AF of available storage capacity of recycled water by using customers' existing vineyard irrigation ponds (Winzler & Kelly 2011).

**Finding of No Significant Effect on the Environment**

The Project impacts would be mitigated to less-than-significant levels through implementation of mitigation measures or through compliance with existing Municipal Code requirements or Town standards. With the recommended mitigation measures, no significant adverse effects to the environment are expected from the Project. This Project would not have a detrimental effect upon either short-term or long-term environmental goals. This Project would not have impacts which are individually limited but cumulatively considerable. This Project would not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.



## **Initial Study**

An Initial Study was prepared for the Project and sent to the State Clearinghouse and interested agencies on June 12, 2012 for a 33-day public review period.

## **Changes Made by the Lead Agency**

The Town has made minor modifications to Project mitigation measures BIO-1, CR-2, CR-3, and CR-4 to improve clarity. These modifications are provided below, with only that portion of the mitigation that has been modified shown. Text that has been added is indicated in underline font, while text that has been deleted is indicated with ~~strike through~~ font.

### ***Mitigation Measure BIO-1: Avoid Impacts to California Red-legged Frog***

The Town shall implement the following measures to avoid impacts to California red-legged frogs (CRLF) during construction within 50 feet of the agricultural irrigation ponds:

### ***Mitigation Measure CR-2: Prepare a Cultural Resources Monitoring Plan and Implement a Subsurface Archaeological Inventory***

Prior to construction, a Cultural Resources Monitoring Plan and a subsurface archaeological inventory shall be completed to identify specific portions of the Area of Potential Effect (APE) that are likely to be sensitive for containing previously undiscovered buried archaeological deposits. A qualified archaeologist shall prepare the monitoring plan and complete the subsurface archaeological survey.

### ***Mitigation CR-3 Avoid Significant Resources or Implement Data Recovery Program***

If buried archaeological resources are found during the subsurface archaeological inventory, the archaeologist shall evaluate the resource(s) to determine its significance. For any resource that is determined to be significant, the archaeologist shall assist ~~the~~ Reclamation staff in assessing the Project's effect on the property. If the effect would be adverse (if the project would alter, directly or indirectly, any of the characteristics of a historic property that qualify it for listing in the National Register) then the Town shall redesign the Project to avoid any adverse effect on the significant resource where feasible.

All the above-described procedures shall be completed in consultation with the State Historic Preservation Officer (SHPO) and interested parties, including the scope of the resource identification efforts, the evaluation of significance of identified archaeological resources, the assessment of effects, and the development of the data recovery program.

### ***Mitigation Measure CR-4: Treatment of Archaeological Resources Discovered During Construction***

In the case of an unanticipated archaeological discovery, if it is determined that the find is unique under the National Historic Preservation Act (NHPA) and/or potentially eligible for listing in the National Register, and the site cannot be avoided, the Town shall develop a research design and excavation plan, prepared by an archaeologist, outlining recovery of the resource, analysis, and reporting of the find. Treatment and resolution may include modifying the Project to allow the materials to be left in place, or undertaking data recovery of the materials in accordance with standard archaeological methods; protection and preservation of resources is preferable if feasible. The research design and excavation plan shall be submitted to Reclamation staff who would notify the SHPO and the Native American representatives. Reclamation and the SWRCB shall approve the plan prior to construction being resumed. In the event that the Town must work in the State right-of-way (i.e. State Highway 29), the Town shall submit a Standard Encroachment Permit Application to Caltrans during the design of Phase 3 of the Project. If an unanticipated archaeological discovery during ground-disturbing activities occurs within the State right-of-way, the Caltrans Office of Cultural Resource Studies, District 4, shall be contacted.

## **Response to Comments on the Initial Study**

Letters were received from four agencies during the comment period: 1) Governor's Office of Planning and Research, 2) State Water Resources Control Board, 3) California Department of Transportation, and 4) San Francisco Bay Regional Water Quality Control Board. The Town of Yountville must consider the comments received during the comment period prior to adopting a Mitigated Negative Declaration. Responses to the comments received are included below. The comments resulted in minor modifications to mitigation measures but no new mitigation measures were required. No significant effects were identified.

## **Location of Documents**

Copies of the document are available for review at the Town of Yountville office located at 6550 Yount Street, Yountville, CA 94599.

## **Mitigation Measures**

The following mitigation measures have been added to the Project, have been agreed to by the Town, and have been found to reduce potentially significant impacts of the proposed Project to less than significant. A Mitigation Monitoring and Reporting Plan has been prepared and is available in Appendix A.

### **Project Measure 1: Basic Air Quality Measures**

The Town shall implement the Bay Area Air Quality Management District's Basic Construction Measures, which consist of the following:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered up to two times per day as necessary to reduce dust.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

### **Project Measure 2: Traffic Control Plan**

The Town shall require the contractor to develop a traffic control plan to minimize the impacts of construction traffic on Project area roadways and at key intersections used during construction. The traffic control plan shall include the following provisions and may include other measures if a further need is identified.

- Location(s) of designated Project construction staging areas.
- Post warning signage at points where construction traffic will enter or leave Solano Avenue, Land Lane, and Silverado Trail
- Use flag control during work hours when equipment or materials are delivered to the work area.
- Detour routes to be used in order to maintain access during various phases of the Project's construction.

- Restrict all construction traffic to normal daytime business hours, unless the Town identifies a need for off-hours routing to avoid impacts on peak-hour commute traffic.
- Consult with the Napa County Fire Department and provide notification of the timing, location, and duration of construction in the vicinity of the Yountville fire station.
- In order to minimize any potential overlap with other construction and roadway improvement project(s), the contractor shall work with the Town and Napa County to identify the routes and intersections that should be avoided, as well as appropriate alternate travel routes or times. The plan shall address routes to minimize construction traffic on State Highway 29 during peak hours.

**Mitigation Measure AES-1: Development of Trenching Techniques to Minimize Tree Loss along Washington Street**

The Town shall retain a certified arborist to evaluate Project construction plans and develop special trenching techniques to minimize the potential for tree impacts and tree loss along Washington Street. Construction activities within the dripline of trees adjacent to adjacent to trenches shall be avoided to the extent feasible during construction. Pruning of trees shall be completed by either a certified arborist or by the contractor under supervision of either an International Society of Arboriculture qualified arborist, American Society of Consulting Arborists consulting arborist, or a qualified horticulturalist. If trees are damaged or lost, trees shall be replaced in accordance with Chapter 12.16 of the Town's Municipal Code (Tree Ordinance) in a manner that retains the functionality of visual screening along Washington Street.

**Mitigation Measure BIO-1: Avoid Impacts to California Red-legged Frog**

The Town shall implement the following measures to avoid impacts to California red-legged frogs (CRLF) during construction within 50 feet of the agricultural irrigation ponds:

- a. Ground disturbing construction activities shall be limited to the dry season period from April 1 through November 1 to avoid potential red-legged frog dispersal events.
- b. A qualified biologist shall conduct a pre-construction survey immediately preceding any construction activity within 50 feet of the irrigation ponds. The biologist shall remain on-site during ground disturbing construction within 50 feet of a pond.
- c. If a CRLF is encountered during construction, all construction activities in the immediate area shall cease until the animal moves away of its own volition. Construction cannot begin until the CRLF has left the construction area. If CRLF do not leave the site to allow for construction, the Town shall contact USFWS for direction on how to proceed.
- d. Prior to the start of construction, a USFWS-approved biologist shall train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices before the start of construction.
- e. Because dusk and dawn are often the times when CRLF are most actively foraging and dispersing, all construction activities shall cease one-half hour before sunset and shall not begin prior to one-half hour before sunrise. All vehicle parking shall be restricted to previously determined staging areas or existing roads.
- f. The fueling and maintenance of vehicles and other equipment shall occur at least 20 meters (65 feet) from any riparian habitat or water body.

**Mitigation Measure BIO-2: Conduct Preconstruction Nesting Surveys for Nesting Passerines and Raptors**

If construction is scheduled to start between January 31 and October 1, a qualified biologist shall conduct preconstruction nesting surveys within 48 hours of construction for nesting passerines (small songbirds) and raptors. Trees within a 200-foot radius shall be included in the surveys. If active nests are located in the work area, the biologist, in consultation with CDFG, shall establish an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. A minimum of a 50-foot buffer zone shall be placed around passerine nests and 250-foot buffers shall be placed around raptor nests. If a qualified biologist determines that less of a buffer zone is acceptable, the size of the buffer zone may be reduced upon approval by CDFG.

**Mitigation Measure BIO-3: Avoid or Restore Jurisdictional Wetlands and Waters Temporarily Affected by Construction**

The Town shall implement avoidance and minimization measures, including best management practices (BMPs), to protect jurisdictional wetlands and waters during construction. Materials and fluids generated by construction activities shall be placed at least 25 feet away from wetland areas or drainages until they can be disposed of at a permitted site. All wetlands and waters areas located adjacent to the construction zone that could be affected by construction activities shall be temporarily fenced off and designated as environmentally sensitive areas to prevent accidental intrusion by workers and equipment.

The Project shall be designed to avoid impacts to SW-1, SW-3, and FWM-2 to the extent feasible. The pipeline shall be designed for installation along the vineyard or roadway edge and outside the vineyard irrigation ditch/seasonal wetland.

The following measures shall be implemented where construction impacts to jurisdictional waters and wetlands cannot feasibly be avoided. A wetland and waters restoration plan shall be prepared prior to construction. The restoration shall include, but not be limited to, the following measures:

- Install pipelines when wetlands and streams are dry.
- Restore original contours and drainage patterns, both into and out of the wetland.
- Spread a cover of straw, rice straw if available, over disturbed soils and work into soil. This practice shall not be implemented in wetland soils.
- Apply an organically based tackifier on disturbed areas to reduce air and water erosion of soils.
- Plants shall be installed, maintained and replaced such that 70 percent of the design plant density is present on the five-year anniversary of plant installation.

**Mitigation Measure CR-1: Avoid Known Resources**

To avoid potential impacts to ASC-41-11-02, pipeline trenching shall be rerouted to avoid the resource to leave a 30 foot buffer between the resource and any ground disturbance or equipment use.

**Mitigation Measure CR-2: Prepare a Cultural Resources Monitoring Plan and Implement a Subsurface Archaeological Inventory**

Prior to construction, a Cultural Resources Monitoring Plan and a subsurface archaeological inventory shall be completed to identify specific portions of the Area of Potential Effect (APE) that are likely to be sensitive for containing previously undiscovered buried archaeological deposits. A qualified archaeologist shall prepare the monitoring plan and complete the subsurface archaeological survey.

The study shall utilize a variety of archival sources including ethnographic literature, previous archaeological studies with subsurface components within the project vicinity, and geological history and soil survey data for the surrounding area. If sensitive areas are present within the APE, a work plan shall be prepared that defines methods for determining the presence or absence of archaeological deposits within those sensitive areas. The work plan shall consist of an augering program that shall focus on areas identified as potentially culturally sensitive within both the horizontal and vertical APE. Areas identified as culturally sensitive will be those that a) contain a surface archaeological component, such as ASC-41-11-02; b) are identified as a likely location for prehistoric habitation based on ethnographic descriptions of the area and resources present; or c) are identified as areas containing stable landforms with a likelihood of buried deposits due to underlying geologic and soil formation processes. Frequency and spacing of auger holes shall depend on the type of sensitivity identified.

**Mitigation CR-3 Avoid Significant Resources or Implement Data Recovery Program**

If buried archaeological resources are found during the subsurface archaeological inventory, the archaeologist shall evaluate the resource(s) to determine its significance. For any resource that is determined to be significant, the archaeologist shall assist Reclamation staff in assessing the Project's effect on the property. If the effect would be adverse (if the project would alter, directly or indirectly, any of the characteristics of a historic property that qualify it for listing in the National Register) then the Town shall redesign the Project to avoid any adverse effect on the significant resource where feasible. If the

adverse effect cannot be avoided, an archaeological data recovery program shall be undertaken. The archaeologist shall prepare a draft data recovery plan that identifies how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The Plan shall identify the scientific/historic research questions applicable to the resource, the data classes the resource is expected to possess, and how the data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historic property that could be adversely affected by the Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

All the above-described procedures shall be completed in consultation with the State Historic Preservation Officer (SHPO) and interested parties, including the scope of the resource identification efforts, the evaluation of significance of identified archaeological resources, the assessment of effects, and the development of the data recovery program.

To satisfy the requirements of CEQA, any identified resource that does not meet National Register eligibility criteria, shall be evaluated to determine if it constitutes either a historical resource or unique archaeological resource pursuant to CEQA Guidelines Section 15064.5. For any identified historical or unique archaeological resource, the archaeologist shall assess whether or not the Project would cause a substantial adverse change in the significance of the resource. If the Project would cause such an adverse change, the Project shall be redesigned to avoid the resource if possible, or a program of data recovery shall be implemented in accordance with standard archaeological methods.

**Mitigation Measure CR-4: Treatment of Archaeological Resources Discovered During Construction**

If archaeological materials are encountered during construction activities, the piece of equipment that encounters the materials must be stopped, and the find inspected by a qualified archaeologist to evaluate the materials and recommend appropriate treatment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

In the case of an unanticipated archaeological discovery, if it is determined that the find is unique under the National Historic Preservation Act (NHPA) and/or potentially eligible for listing in the National Register, and the site cannot be avoided, the Town shall develop a research design and excavation plan, prepared by an archaeologist, outlining recovery of the resource, analysis, and reporting of the find. Treatment and resolution may include modifying the Project to allow the materials to be left in place, or undertaking data recovery of the materials in accordance with standard archaeological methods; protection and preservation of resources is preferable if feasible. The research design and excavation plan shall be submitted to Reclamation staff who would notify the SHPO and the Native American representatives. Reclamation and the SWRCB shall approve the plan prior to construction being resumed. In the event that the Town must work in the State right-of-way (i.e. State Highway 29), the Town shall submit a Standard Encroachment Permit Application to Caltrans during the design of Phase 3 of the Project. If an unanticipated archaeological discovery during ground-disturbing activities occurs within the State right-of-way, the Caltrans Office of Cultural Resource Studies, District 4, shall be contacted.

**Mitigation Measure CR-5: Protection and Preservation of Paleontological Materials**

If paleontological resources (e.g., vertebrate bones, teeth, or abundant and well-preserved invertebrates or plants) are encountered during construction, the Town shall halt ground-disturbing work in the vicinity of the find. Work near the find shall not be resumed until a qualified paleontologist has evaluated the materials and offer recommendations for further action, including salvage of any significant paleontological resources.

**Mitigation Measure CR-6: Procedures for Encountering Human Remains**

If human remains are discovered, potentially damaging activities shall be halted and no further excavation of the remains or nearby area can occur until the Napa County Coroner has made necessary findings as to the origin of the remains, in accordance with the Health and Safety Code 7050.5. The Town shall immediately notify the County Coroner and a professional archaeologist to determine the nature of the remains. At the same time, an archaeologist shall be contacted to evaluate the situation. As the property has been repeatedly tilled and graded, the possibility exists that human remains may be fragmentary and mixed with surrounding soils. If human remains are encountered, all ground disturbance within a 50 feet diameter area shall be halted until the archaeologist and the coroner have reviewed the remains. If the Coroner determines that the remains are of Native American origin, the Town shall notify the Native American Heritage Commission within 24 hours of identification, as well as the Reclamation representative. The Commission then notifies the Most Likely Descendant, who has 48 hours to make recommendations to the landowner for the disposition of the remains. Remains shall be treated in accordance with Public Resources Code §5097.9.

**Mitigation Measure GEO-1: Geotechnical Study**

A California registered Geotechnical Engineer shall conduct a design-level geotechnical study for the Project. Borings shall be advanced in select areas of the pipeline route to evaluate areas susceptible to liquefaction and expansiveness and recommendations to repair, stabilize, or avoid such soils shall be provided. Measures may include, but would not be limited to, removal of soils prone to seismically-induced liquefaction or shrinking and swelling, soil stabilization such as lime treatment, use of restrained joint pipes, and other measures. The recommendations made in the geotechnical study shall be incorporated into the final plans and specifications and implemented during construction.

**Mitigation Measure HYD- 1: Storm Water Pollution Prevention Plan**

The Town shall obtain coverage under SWRCB Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. The City shall submit permit registration documents (notice of intent, risk assessment, site maps, SWPPP, annual fee, and certifications) to the State Water Resources Control Board. The SWPPP shall address pollutant sources, non-storm water discharges resulting from construction dewatering, best management practices, and other requirements specified in the Order. The BMPs shall include any measures included in the erosion and sediment control plans developed for the Project to minimize disturbance after grading or construction. The SWPPP shall also include dust control practices to prevent wind erosion, sediment tracking and dust generation by construction equipment. The Town shall ensure that a Qualified SWPPP Practitioner oversees implementation of the SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.

**Mitigation Measure HYD- 2: Construction Dewatering**

If construction dewatering is required, the Town shall evaluate reasonable options for dewatering management. 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 or surface water (this option may require a temporary method to filter sediment-laden water prior to discharge).

If discharging to the sanitary sewer, the Town shall issue a one-time discharge permit or other type of approval requiring, as necessary, measures for characterizing the discharge and ensuring filtering methods and monitoring to verify that the discharge is compliant with the Town's local wastewater discharge requirements.

If discharging to a local surface water or storm drain, the discharge shall be managed as a non-storm water discharge and control measures shall be included in the SWPPP prepared under Order No. 2009-0009-DWQ. The Town shall characterize the groundwater prior to discharge and implement control

measures, such as settling and/or filtration to ensure that excessive sediment is not discharged, and manage discharge rates to prevent erosion downstream.

**Mitigation Measure HYD-3: Frac-Out and Undercrossing Contingency Plan**

If drilling mud is needed during construction, the Town shall develop and follow procedures to prevent the mix used during drilling from being discharged into Chase Creek and Hinman Creek when installing pipelines using trenchless construction methods. The plan shall address how the contractor would manage pressures and the volume of lubricant used to prevent frac-out.

The plan shall also address procedures to follow in the event a frac-out occurs. Drilling activities shall be visually monitored for any sign of lubricant frac-out and should frac-out occur, the contractor shall complete the following:

- Stop pumping lubrication.
- Locate the point and cause of the frac-out.
- Contain the spill to the maximum extent possible.
- Clean up the spill to the maximum extent possible.
- Wait at least two hours before pumping lubrication near the frac-out point to allow the ground to seal.
- Reduce pumping pressure and volume in the area of the frac-out.

Notify all designated authorities that a frac-out occurred, including but not limited to the California Department of Fish and Game.

**Mitigation Measure NOI-1: Noise Reduction Measures**

During Project construction, the Town and its contractor(s) shall implement the following measures such that noise from construction does not exceed 70 dBA at noise-sensitive uses during daytime hours.

- Construction work shall occur between 8 a.m. and 6 p.m. daily for all areas of the Project, and work shall not occur within 400 feet of Saint Joan of Arc Catholic Church during church services.
- If noise levels exceed 70 dBA at the Saint Joan of Arc Church during installation of the pipeline under Highway 29, then the contractor shall erect a temporary 12-foot high sound barrier around the sending/receiving pit to reduce the noise levels at the church to adjacent to the Saint Joan of Arc Church and adjacent to the Golf Course. The barrier shall remain in place for the duration of pipeline installation.
- Use quietest available equipment and electrically-powered equipment, rather than internal combustion engines where feasible.
- Equipment and on-site trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible). All construction equipment shall be inspected at periodic intervals to ensure proper maintenance and resulting lower noise levels.
- Impact tools (e.g., jack hammers, pavement breakers) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. An exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA.
- A preconstruction meeting shall be held between the job inspectors and the contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to commencement of construction (including construction hours, neighborhood notification, etc.).
- An on-site complaint and enforcement manager shall be posted to respond to and track any noise complaints. The manager shall be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager shall determine the cause of any complaints and coordinate with the construction team to implement effective

measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the on-site complaint and enforcement manager shall be posted at the construction site and provided to neighbors in a notification letter. The manager shall be trained to use a sound level meter and should be available during all construction hours to respond to complaints.



## RESPONSE TO AGENCY AND PUBLIC COMMENTS

The Town received four comment letters during the comment period. The comment letters are provided in the following pages. The Town's responses to the comments follow each of the comment letters.

When changes to the Draft Environmental Assessment and Initial Study/Proposed Mitigated Negative Declaration (EA & IS/Proposed MND) are necessitated, the change is indicated by indented text. Text that has been added to the document is indicated in underline font, while text that has been deleted is indicated with ~~strikethrough~~ font.

## COMMENTS RECEIVED

A list of the comment letters received is shown below in Table 1. Comment letters received during the review period are numbered starting with 1.

**TABLE 1**  
**Comments Received**

Letter	Agency/Organization	Name	Title, Department	Letter Date
#1	State Clearinghouse and Planning Unit	Scott Morgan	Director	July 13, 2012
#2	State Water Resources Control Board (SWRCB)	Susan Stewart (additional contact listed as Michelle Helms)	Environmental Scientist	July 11, 2012
#3	California Department of Transportation (Caltrans)	Erik Alm (contact listed as Sandra Finegan)	District Branch Chief, Local Development – Intergovernmental Review	July 11, 2012
#4	San Francisco Bay Regional Water Quality Control Board (RWQCB)	Fred Hetzel	Water Management Division	June 22, 2012



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

July 13, 2012

JUL 18 2012

Graham Wadsworth  
City of Yountville  
6550 Yount Street  
Yountville, CA 94599

Subject: Yountville Recycled Water Project  
SCH#: 2012062035

Dear Graham Wadsworth:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 11, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

#1

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012062035  
**Project Title** Yountville Recycled Water Project  
**Lead Agency** Yountville, City of

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**Type** **MND** Mitigated Negative Declaration

**Description** The Town proposes to meet its wastewater reuse permit requirements and offset Napa River water and groundwater use for agricultural irrigation by expanding its existing recycled water system to accommodate additional recycled water users. The project includes three phases and would include installation of 20,000 linear feet of 8-inch diameter pipeline, 1,190 linear feet of new 6-inch diameter pipeline, new valves and turnouts for new recycled water customers, and equipment upgrades at the Joint Treatment Plant and the Recycled Water Pump Station to distribute disinfected tertiary recycled water to existing vineyard irrigation ponds east of the Town of Yountville. Existing agricultural users would use recycled water for irrigation when recycled water is available.

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**Lead Agency Contact**

**Name** Graham Wadsworth  
**Agency** City of Yountville  
**Phone** 707 948 2628 **Fax**  
**email**  
**Address** 6550 Yount Street  
**City** Yountville **State** CA **Zip** 94599

---

**Project Location**

**County** Napa  
**City** Yountville  
**Region**  
**Lat / Long** 38° 23' 38.63" N / 122° 21' 39.54" W  
**Cross Streets** Washington Street and Land Lane  
**Parcel No.** multiple  
**Township** 6N **Range** 5W **Section** 1 **Base** MDB&M

---

**Proximity to:**

**Highways** Hwy 29  
**Airports** No  
**Railways** SPRR  
**Waterways** Hinman Ck, Hopper Ck, Chase Ck, Napa River, Dry Ck  
**Schools** Yountville ES  
**Land Use** GP - Public Facilities, Z: Public Facilities

---

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Landuse; Cumulative Effects

---

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 4; CA Department of Public Health; State Water Resources Control Board, Division of Financial Assistance; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; State Water Resources Control Board

---

**Date Received** 06/11/2012 **Start of Review** 06/12/2012 **End of Review** 07/11/2012



EDMUND G. BROWN, JR.  
GOVERNORMATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

JUL 11 2012

Mr. Graham Wadsworth  
6550 Yount Street  
Yountville, CA 94599Helen  
Clem

RECEIVED

JUL 11 2012

STATE CLEARING HOUSE

Dear Mr. Wadsworth:

ENVIRONMENTAL ASSESSMENT AND INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (EA AND IS/MND) FOR THE TOWN OF YOUNTVILLE (TOWN); YOUNTVILLE RECYCLED WATER PROJECT (PROJECT); NAPA COUNTY; STATE CLEARINGHOUSE NO. 2012062035

We understand that the Town is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a State agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information and comments for the EA and IS/MND prepared for the Project.

Please provide us with the following documents applicable to the proposed Project, pursuant to the California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final EA and IS/MND, (2) the resolution adopting the EA and IS/MND and a Mitigation Monitoring and Reporting Program (MMRP), along with any CEQA findings, (3) all comments received during the review period and the Town's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Napa County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at

[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml)

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the Project.



For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA) and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS), for any potential effects to special status species. Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special status species that the Project has the potential to impact if the Project is to be funded under the CWSRF Program. The Town will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106 and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. A consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)) must be retained to prepare a Section 106 compliance report.

Note that the Town will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. A records search request from the California Historical Resources Information System (CHRIS) should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- B. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.



- C. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area, and determine if this area is under a Williamson Act Contract.
- D. Compliance with the Migratory Bird Treaty Act: List any birds protected under this Act that may be impacted by the Project, and identify conservation measures to minimize impacts.
- E. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone, and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

Following are specific comments on the Town's draft EA and IS/MND:

1. According to Mitigation Measure BIO-3, a "wetland and water restoration plan shall be prepared prior to construction." Please include a copy of the restoration plan with the final version of this document.
2. Native American individuals were contacted by letter and provided a corrected APE for the project on July 9, 2011, resulting in responses from two individuals between July 18, 2011 and November 22, 2011. Please provide copies of the map indicating the Project APE that was sent to Native Americans, and discuss changes to Project APE in the current design. A change in the APE will require another Native American Consultation to address new Project locations.
3. Please include copies of all correspondence with Native American individuals/organizations and the Native American Heritage Commission with the final version of this document, including a phone log documenting follow-up contact. Copies of record and literature searches and subsequent information received from the inquiries must be provided as well.
4. Please provide the Cultural Resource Monitoring Plan indicated in Mitigation Measure CR-2, and include an indication of cultural sensitivity following the subsurface archaeological inventory with the final version of this document.
5. Provide a draft data recovery plan indicated in Mitigation Measure CR-3 with the final version of this document.
6. Provide a draft of the discovery and treatment plan in the event of unanticipated archaeological discoveries indicated in Mitigation Measure CR-4 with the final version of this document.
7. Mitigation Measure CR-6 states that in the event human remains are found during the Project, "potentially damaging activities shall be halted and no further excavation of the remains or nearby area can occur until the Napa County Coroner has made necessary findings as to the origin of the remains..." Please define the size of the area surrounding the remains that shall not be disturbed until the Napa County Coroner has made the necessary findings.

8. Page 69 states "Figure SAF-1 of the Napa County General Plan shows two earthquake faults in the Project area..." In the Discussion/Environmental Consequences section on page 70 (section VI. a.i) it states "there are no known active or potentially active faults located in the Project area." Please clarify whether the faults located within the Project area are active. If the faults are active, please provide Project design specifications that will reduce impacts from fault activity to less than significant.
9. Mitigation Measure HYD-1 states that a Storm Water Pollution Prevention Plan (SWPPP) will be submitted as part of the permit process for the SWRCB Order No. 2009-0009-DWQ, the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. Please include a copy of the SWPPP with the final version of this document.
10. Mitigation Measure HYD-3 states that "[i]f drilling mud is needed during construction, the Town shall develop and follow procedures to prevent the mix used during drilling from being discharged into Chase Creek..." A subsequent paragraph on page 89 states that a Frac-Out and Undercrossing Contingency Plan will be prepared and implemented to prevent potential impacts due to frac-out or undercrossing Chase Creek. Please provide the Frac-Out and Undercrossing Contingency Plan in the final version of this document.

Thank you for the opportunity to review the Town's EA and IS/MND. If you have any questions or concerns, please feel free to contact me at (916) 341-6983, or by email at [ssstewart@waterboards.ca.gov](mailto:ssstewart@waterboards.ca.gov), or contact Ms. Michelle Helms at (916) 341-5686, or by email at [mhelms@waterboards.ca.gov](mailto:mhelms@waterboards.ca.gov).

Sincerely,



Susan Stewart  
Environmental Scientist

cc: State Clearinghouse  
(Re: SCH# 2012062035)  
P.O. Box 3044  
Sacramento, CA 95812-3044

Enclosures (4)

1. SRF & CEQA-Plus
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Instructions and Guidance for "Environmental Compliance Information"
4. Basic Criteria for Cultural Resources Reports



STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 711



Flex your power!  
Be energy efficient!

Hand  
Clear

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JUL 10 2012

STATE CLEARING HOUSE

July 11, 2012

NAP029889  
NAP-29  
SCH# 2012062035

Mr. Graham Wadsworth  
Planning Department  
Town of Yountville  
6550 Yount Street  
Yountville, CA 94599

Dear Mr. Wadsworth:

**Yountville Recycled Water Expansion Project – Mitigated Negative Declaration**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Yountville Recycled Water Expansion project. The following comments are based on the Mitigated Negative Declaration (MND). As lead agency, the Town of Yountville (Town) is responsible for all project mitigation, including any needed improvements to state highways. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Since an encroachment permit is required for work in the state right of way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the Town work with Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

**Cultural Resources**

Please send for our review, a copy of the Anthropological Studies Center (ASC) 2011/2012 reports (ASC 2011a, 2011b, 2011c, and 2012) completed in support of the Yountville Recycled Water Expansion project. Should ground-disturbing activities take place as part of this project within the state right of way (ROW) and there is an inadvertent archaeological or burial discovery, in compliance with California Environmental Quality Act (CEQA), PRC 5024.5, and Caltrans Standard Environmental Reference (SER) Chapter 2 (at <http://ser.dot.ca.gov>), all construction within 50 feet of the find shall cease. The Caltrans Office of Cultural Resource Studies, District 4, shall be immediately contacted at (510) 622-1673. A staff archaeologist will evaluate the finds within one business day after contact. These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in the state ROW; these requirements also apply to National Environmental Policy Act



Mr. Graham Wadsworth/Town of Yountville  
July 11, 2012  
Page 2

(NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, trenching, sidewalks and driveways within or adjacent to the state ROW.

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating the state ROW must be submitted to: Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

***Transportation Permit***

Project work that requires movement of oversized or excessive load vehicles on state roadways, such as State Route (SR) 29 requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to the following address: Transportation Permits Office, 1823 - 14<sup>th</sup> Street, Sacramento, CA 95811-7119.

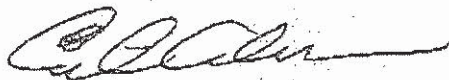
See the following website link for more information: <http://www/hq/traffops/permits/>

***Traffic Control Plan***

When completed, please send a copy of the Traffic Control Plan for our review.

Please feel free to call or email Sandra Finegan at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

**RESPONSE TO COMMENT LETTER #1, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE  
CLEARINGHOUSE AND PLANNING UNIT, JULY 18, 2012**

**Response to Comment 1-1**

This letter identifies the state agencies that received the EA & IS/Proposed MND. It also confirms the close of the circulation period and transmits comments received from state agencies. No response is required. The response to comments on letters received from state agencies is provided for each letter below.



EDMUND G. BROWN JR.  
GOVERNORMATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

JUL 11 2012

Mr. Graham Wadsworth  
6550 Yount Street  
Yountville, CA 94599

JUL 13 2012

Dear Mr. Wadsworth:

ENVIRONMENTAL ASSESSMENT AND INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (EA AND IS/MND) FOR THE TOWN OF YOUNTVILLE (TOWN); YOUNTVILLE RECYCLED WATER PROJECT (PROJECT); NAPA COUNTY; STATE CLEARINGHOUSE NO. 2012062035

2-1

We understand that the Town is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a State agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information and comments for the EA and IS/MND prepared for the Project.

2-2

Please provide us with the following documents applicable to the proposed Project, pursuant to the California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final EA and IS/MND, (2) the resolution adopting the EA and IS/MND and a Mitigation Monitoring and Reporting Program (MMRP), along with any CEQA findings, (3) all comments received during the review period and the Town's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Napa County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

2-3

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at [www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).

2-4

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the Project.



2-4 For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli,  
cont'd at (916) 341-5855.

2-5 It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA) and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS), for any potential effects to special status species. Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special status species that the Project has the potential to impact if the Project is to be funded under the CWSRF Program. The Town will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

2-6 In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106 and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. A consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)) must be retained to prepare a Section 106 compliance report.

2-7 Note that the Town will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. A records search request from the California Historical Resources Information System (CHRIS) should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

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2-8 A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections

2-9 B. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.



- 2-10 C. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area, and determine if this area is under a Williamson Act Contract.
- 2-11 D. Compliance with the Migratory Bird Treaty Act: List any birds protected under this Act that may be impacted by the Project, and identify conservation measures to minimize impacts.
- 2-12 E. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone, and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

Following are specific comments on the Town's draft EA and IS/MND:

- 2-13 1. According to Mitigation Measure BIO-3, a "wetland and water restoration plan shall be prepared prior to construction." Please include a copy of the restoration plan with the final version of this document.
- 2-14 2. Native American individuals were contacted by letter and provided a corrected APE for the project on July 9, 2011, resulting in responses from two individuals between July 18, 2011 and November 22, 2011. Please provide copies of the map indicating the Project APE that was sent to Native Americans, and discuss changes to Project APE in the current design. A change in the APE will require another Native American Consultation to address new Project locations.
- 2-15 3. Please include copies of all correspondence with Native American individuals/organizations and the Native American Heritage Commission with the final version of this document, including a phone log documenting follow-up contact. Copies of record and literature searches and subsequent information received from the inquiries must be provided as well.
- 2-16 4. Please provide the Cultural Resource Monitoring Plan indicated in Mitigation Measure CR-2, and include an indication of cultural sensitivity following the subsurface archaeological inventory with the final version of this document.
- 2-17 5. Provide a draft data recovery plan indicated in Mitigation Measure CR-3 with the final version of this document.
- 2-18 6. Provide a draft of the discovery and treatment plan in the event of unanticipated archaeological discoveries indicated in Mitigation Measure CR-4 with the final version of this document.
- 2-19 7. Mitigation Measure CR-6 states that in the event human remains are found during the Project, "potentially damaging activities shall be halted and no further excavation of the remains or nearby area can occur until the Napa County Coroner has made necessary findings as to the origin of the remains..." Please define the size of the area surrounding the remains that shall not be disturbed until the Napa County Coroner has made the necessary findings.

2-20

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2-21

9. Mitigation Measure HYD-1 states that a Storm Water Pollution Prevention Plan (SWPPP) will be submitted as part of the permit process for the SWRCB Order No. 2009-0009-DWQ, the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. Please include a copy of the SWPPP with the final version of this document.

2-22

10. Mitigation Measure HYD-3 states that "[i]f drilling mud is needed during construction, the Town shall develop and follow procedures to prevent the mix used during drilling from being discharged into Chase Creek..." A subsequent paragraph on page 89 states that a Frac-Out and Undercrossing Contingency Plan will be prepared and implemented to prevent potential impacts due to frac-out or undercrossing Chase Creek. Please provide the Frac-Out and Undercrossing Contingency Plan in the final version of this document.

2-23

Thank you for the opportunity to review the Town's EA and IS/MND. If you have any questions or concerns, please feel free to contact me at (916) 341-6983, or by email at [sstewart@waterboards.ca.gov](mailto:sstewart@waterboards.ca.gov), or contact Ms. Michelle Helms at (916) 341-5686, or by email at [mhelms@waterboards.ca.gov](mailto:mhelms@waterboards.ca.gov).

Sincerely,



Susan Stewart  
Environmental Scientist

cc: State Clearinghouse  
(Re: SCH# 2012062035)  
P.O. Box 3044  
Sacramento, CA 95812-3044

Enclosures (4)

1. SRF & CEQA-Plus
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Instructions and Guidance for "Environmental Compliance Information"
4. Basic Criteria for Cultural Resources Reports



## **RESPONSE TO COMMENT LETTER #2, STATE WATER RESOURCES CONTROL BOARD, JULY 11, 2012**

The State Water Resources Control Board (SWRCB) provided several attachments to their comment letter. The attachments include a copy of the SRF and California Environmental Quality Act (CEQA)-Plus requirements, a quick reference guide to CEQA-Plus requirements for state revolving fund loans, a copy of the clean water act state revolving fund program instructions, and a copy of the basic criteria for cultural resources reports. The reference material provided by the SWRCB is included in Appendix B, SWRCB References.

### **Response to Comment 2-1**

This comment summarizes the purpose of the SWRCB comment letter.

### **Response to Comment 2-2**

This comment requests copies of the following documents: 1) one copy of the draft and final EA & IS/MND; 2) resolution adopting the EA & IS/MND and Mitigation Monitoring and Reporting Program (MMRP), along with any CEQA findings; 3) comments received during the EA & IS/MND public review period and the Town's response to comments; 4) adopted MMRP, and; 5) Notice of Determination (NOD) filed with the Napa County Clerk and the State Clearinghouse. The SWRCB also requested notice for any hearings or meetings held related to the environmental review of any projects to be funded by the SWRCB.

The Town acknowledges this request and will send electronic copies of the above-listed items to Susan Stewart at the SWRCB when they are completed and as part of the Clean Water State Revolving Funding request package. The certification of the Final EA & IS/MND will be considered at the August 7, 2012 Town Council meeting. The Town will notify Susan Stewart of any additional upcoming hearings or meetings related to the environmental review of this Project.

### **Response to Comment 2-3**

This comment describes the Clean Water State Revolving Fund (CWSRF) Program. The Town thanks the SWRCB for this information.

### **Response to Comment 2-4**

This comment informs the Town of the additional "CEQA-Plus" environmental documentation and review required for projects funded by the CWSRF Program, and enclosed four attachments that explain the CWSRF Program environmental review process and requirements. The SWRCB is required to consult directly with agencies responsible for implementing federal environmental laws and regulations, and any issues need to be resolved before approval of CWSRF financing commitment. The Town completed a joint EA & IS/Proposed MND, with Reclamation serving as the lead agency for the National Environmental Policy Act (NEPA). The agency completed the required public notice of the EA on June 15, 2012 and posted the EA on Reclamation's website to satisfy NEPA requirements. The joint document addresses all the elements of the CEQA-Plus environmental documentation.

### **Response to Comment 2-5**

This comment informs the Town that prior to obtaining a CWSRF financing commitment the Project must obtain Section 7 clearance, under the Federal Endangered Species Act (ESA), from the U.S. Fish & Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Evaluation of Project impacts to federally-listed species is presented on pages 52-54 of the Draft EA & IS/Proposed MND. The document includes evaluation of potential impacts to the following federally listed special-status wildlife species: California freshwater shrimp (*Syncaris pacifica*), Chinook salmon

(*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss irideus*), California red-legged frog (*Rana draytonii*), and White-tailed kite (*Elanus leucurus*).

As described on pages 52-54 of the Draft EA & IS/Proposed MND, there would be no impacts to California freshwater shrimp, Chinook salmon or steelhead. Although considered unlikely to occur, potential Project impacts to California red-legged frog would be reduced to less-than significant with the implementation of Mitigation Measure BIO-1: Avoid Impacts to California Red-legged Frog. Project impacts to nesting birds, including the federally-listed White-tailed kite, would be reduced to less than significant with the implementation of Mitigation Measure BIO-2: Conduct Preconstruction Nesting Surveys for Nesting Passerines and Raptors. For more detailed discussion on direct Project-related impacts, please refer to pages 52-54 of the Draft EA & IS/MND.

The document includes an evaluation of potential growth inducement and other indirect impacts associated with the project in Section 5, Other Required Analyses, page 123.

#### **Response to Comment 2-6**

This comment informs the Town that CWSRF projects must comply with Section 106 of the National Historic Preservation Act; the SWRCB is responsible for this compliance and must consult directly with the California State Historic Preservation Officer (SHPO). This consultation is initiated when sufficient information is provided by the CWSRF applicant, and the preparation of the Section 106 compliance report must be by a consultant that meets the Secretary of the Interior's Professional Qualifications Standards.

The Town has a consultant under contract to prepare a Section 106 compliance report, and the Town is working with an archaeologist from Reclamation to develop a report for the agency to begin consultation with the SHPO. The Town will provide the compliance report to the SWRCB following completion and as part of the Clean Water State Revolving Funding request package.

#### **Response to Comment 2-7**

This comment informs the Town that the APE will need to be identified, including construction and staging areas, and depth of any excavation, and explains the components of the APE. The Comment also states that a records search request from the California Historical Resources Information System (CHRIS) should be made for an area larger than the APE, depending on what type of sites may exist in the vicinity.

The description of the APE and records search can be found on page 58 of Chapter 3, Section 5, Cultural Resources. The APE includes all portions of the proposed Project affected by construction and staging. The width of the APE is 50 feet (25 feet on each side of the centerline of the pipe) along the pipeline alignments. The vertical depth of the APE is a maximum of six feet for pipelines and 20 feet for the jack-and-bore pits at Highway 29. A records and literature search was conducted within a 1-mile radius of the APE. For more detailed discussion, please refer to pages 57-67 of the Draft EA & IS/Proposed MND.

#### **Response to Comment 2-8**

This comment informs the Town of other federal requirements pertinent to the Project under the CWSRF Program, including the Federal Clean Air Act. The SWRCB requests air quality studies completed for the Project, and that the evaluation include a summary of the estimated emissions that are expected from the construction and operation of the Project for each federal criteria pollutant.

The Project air quality analysis can be found in Chapter 3, Section 3, pages 34-43. The construction-related emissions for the Project were estimated using RoadMod Version 6.3-2. The model results, assumptions and inputs are provided as Appendix B in the Draft EA & IS/Proposed MND. As discussed on pages 40-41 of the Draft EA & IS/Proposed MND, Project operation would not result in new criteria air pollutant emissions. For national standards, the Air Basin is currently designated as a marginal nonattainment area for 8-hour ozone and nonattainment for fine particulate matter (PM<sub>2.5</sub>) (see pages 35 and 36 of the Draft EA & IS/Proposed MND). As discussed on page 42, Project construction emissions



are below than the federal de minimis levels, and no operational emissions would occur; therefore impacts would be less than significant.

#### **Response to Comment 2-9**

This comment requests that the Town identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the U.S. Army Corps of Engineers (Army Corps), or requires a permit from the Army Corps. The SWRCB also requests that the Town identify the status of coordination with the Army Corps.

Evaluation of Project impacts to wetlands and waters is found in Chapter 3, Section 4 Biological Resources, Impact IV.c (page 55-56). Discussion of Executive Order 11990 (Protection of Wetlands) is provided in Section 6, Consultation and Coordination, page 128. A wetlands assessment was performed to identify areas that could be considered potential jurisdictional wetlands and waters of the U.S. as defined by the Army Corps.

A preliminary jurisdictional determination for the Project area was completed by the Army Corps Regulatory Division, North Branch on April 12, 2012. As described in Section 1, Requirements and Approvals (pages 6-7), the Town will pursue a Section 404 permit from the Army Corps prior to construction.

#### **Response to Comment 2-10**

This comment informs the Town that compliance with the Farmland Protection Policy Act is required, and asks the Town to identify if the Project will result in the conversion of farmland. The SWRCB also requests the status of farmland in the Project area, and determination if the area is under Williamson Act contract.

Evaluation of Project impacts to farmland and agricultural resources can be found in Chapter 3, Section 2 Agricultural and Forest Resources, pages 30-33. Discussion of the Farmland Protection Act is also provided in Section 6, Consultation and Coordination, pages 127-128. As discussed in the Draft EA & IS/Proposed MND, the Project would not result in the conversion of farmland or conflict with an existing Williamson Act contract. For more detailed discussion, please refer to pages 30-33 of the Draft EA & IS/Proposed MND.

#### **Response to Comment 2-11**

This comment informs the Town that compliance with the Migratory Bird Treaty Act is required, and requests the Town to list any birds protected under this Act that may be impacted by the Project, as well as any conservation measures to minimize impacts.

Project impacts to migratory birds are discussed in Chapter 3, Section 4 Biological Resources. The project would have less than significant impact on migratory birds following implementation of Mitigation Measure BIO-2: Conduct Preconstruction Nesting Surveys for Nesting Passerines and Raptors. For more detailed discussion, please refer to pages 52-54 of the Draft EA & IS/Proposed MND.

#### **Response to Comment 2-12**

This comment informs the Town that compliance with the Flood Plain Management Act is required, and requests the Town to identify if the Project is within a Flood Management Zone, and to include a copy of the Federal Emergency Management Agency (FEMA) flood zone maps for the area.

Evaluation of Project impacts related to floodplains is provided in Chapter 3, Section 9 Hydrology and Water Quality, pages 91-92. Discussion of Executive Order 11988 (Floodplain Management) is provided in Section 6, Consultation and Coordination, page 128. Although the pipelines would be located in the 100-year flood zone, the Project would not impede or redirect flood flows because the pipelines would be buried, and no impact to flood flows would occur. FEMA flood maps for the Project area are provided in Appendix E of the Draft EA & IS/Proposed MND.

### **Response to Comment 2-13**

This comment requests that the Town include a copy of the Wetland and Waters Restoration Plan, required by Mitigation Measure BIO-3, with the final version of the EA & IS/MND.

The Wetland and Waters Restoration Plan will be developed prior to construction, in conjunction with the Army Corps 404 permit and Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification applications required for the Project. The restoration plan will not be included in the final EA & IS/MND, since it will be completed during project design and in conjunction with permitting efforts which will occur following project approval. When completed, the restoration plan will be submitted electronically to Susan Stewart at the SWRCB.

### **Response to Comment 2-14**

This comment states that Native Americans were contacted by letter and provided with a corrected Area of Potential Effects (APE) for the Project on July 9, 2011, resulting in two responses. The SWRCB requests copies of the Project APE maps that were sent to Native Americans, and a discussion of changes to the Project APE in the current design. A change in the APE will require another Native American Consultation to address new Project locations.

Chapter 3, Section 5 Cultural Resources, page 60, describes the Native American contact methods and results for the Project. A response to the July 9, 2011 letter from Nick Tipon from the Federated Indians of Graton Rancheria was received on July 18, 2011. It stated that the APE lies outside of their recognized traditional territory and had no other comments. On August 22, 2011, Vincent Salsedo, a representative of the Mishewal-Wappo Tribe of Alexander Valley contacted the Anthropological Study Center (ASC) at Sonoma State University and expressed an interest in the Project. Mr. Salsedo accompanied the archaeologists for the survey that took place on November 22, 2011. On February 28, 2012, Mr. Salsedo and Cookie Hirn, Cultural Resources Officer with the SWRCB, were present for a tour of the APE with Don Moore, Utility Operations Supervisor of the Town of Yountville Public Works Department and the final phase of survey of the APE. Mr. Salsedo was provided with the written findings of the survey.

Reclamation is conducting its own separate Native American notification process, which is ongoing. The Town will send the SWRCB electronic copies of the APE maps sent to Native Americans on July 9, 2011, as well as a letter describing the changes that have been made to the Project APE since then.

### **Response to Comment 2-15**

This comment requests that copies of all correspondence with Native American individuals/organizations, including the Native American Heritage Commission be included with the final version of the EA & IS/MND, including a phone log documenting follow-up contact. Copies of record and literature searches, and subsequent information received from inquires must also be provided.

Record and literature searches conducted for the Project are described in the Cultural Resources Study (July 2011) and addendums (September 2011 and December 2011), as well as the Final Report and Subsurface Sensitivity Study (May 2012), all prepared by ASC. Appendix B of the July 2011 report provides records of Native American correspondence, including the Native American Heritage Commission, that were sent in July 2011. Chapter 3, Section 5 Cultural Resources, page 60, describes the Native American contact methods and results.

The cultural resources reports and any phone log documentation will be provided electronically to Susan Stewart at the SWRCB and as part of the CWSRF request package. However, they will not be included with the final EA & IS/MND due to the sensitivity of information contained in these reports.

### **Response to Comment 2-16**

This comment refers to Mitigation Measure CR-2: Prepare a Cultural Resources Monitoring Plan and Implement a Subsurface Archaeological Inventory. The SWRCB requests that a copy of the Cultural Resources Monitoring Plan be provided with the final EA & IS/MND. SWRCB also requests that the final

EA & IS/MND include an indication of cultural sensitivity following the subsurface archaeological inventory.

The Town is coordinating with Reclamation to develop the Section 106 report, and the Cultural Resources Monitoring Plan is under development as part of the report. The Town is under contract with consultant that meets the Secretary of the Interior's Professional Qualifications Standards as discussed in response to Comment 2-6. The consultant is preparing the monitoring plan and subsurface archaeological inventory as described in Mitigation Measure CR-2. The monitoring plan will define what buried cultural resources might be present in the Project area, which of those resources may constitute cultural deposits potentially eligible to the National Register of Historic Places, and the process by which the evaluation will be made. The monitoring plan will include the data recovery plan as described in Mitigation Measure CR-3 on page 65 of the Draft EA & IS/Proposed MND. The monitoring plan will also include the findings from the geoarchaeological field study to characterize the landscape history of the APE and immediate vicinity. Once the inventory has been conducted, the cultural resources monitoring program will be prepared. When the cultural resources monitoring program is completed it will be provided electronically to Susan Stewart at the SWRCB.

Initial preliminary findings on the cultural sensitivity of the site indicate that a large portion of the APE (all of Phase 1 and Phase 2 areas and a portion of Phase 3) is considered moderate to highly sensitive for subsurface archaeological deposits along much of its length (pers. comm. Michael Newland Anthropological Study Center, Sonoma State University June 2012). In general, the sensitivity of the APE increases as it approaches the Napa River and the historic channel that runs to its west. Additionally, this portion of the APE is located within an area that contains numerous surface archaeological deposits and soil types demonstrated to be associated with subsurface archaeological components. The Phase 3 Silverado Trail area is considered low to moderately sensitive for buried archaeological deposits along its northern length. Directly north and south of the branch at Stags Leap Winery, the APE is considered moderate to highly sensitive. The very southern extent is considered to have low sensitivity as the APE here is of an age considered too old to contain buried deposits and lies within an area of historic vernal pools. Additionally, most of Phase 3 will be installed within the road bed of the Silverado Trail. If the vertical APE is contained within the modern roadbed above native soil, then only the portion of Phase 3 near Stags Leap would be sensitive for buried deposits. These initial findings will be confirmed through field evaluations to be described in the cultural resources monitoring program.

Based on the new preliminary information on cultural sensitive provided above, the cultural resources impact discussion V.a&b presented on page 64 of the Draft EA & IS/Proposed MND is revised as follows to include the additional information on subsurface sensitivity.

In addition to the archaeological resource located adjacent to the APE, the archaeological investigation conducted within ½-mile of the APE indicates that areas may be sensitive for buried prehistoric archaeological resources that may be considered significant resources. Initial preliminary findings on the cultural sensitivity of the site indicate that Segment 1 of the APE (a large portion of the APE that includes all of Phase 1 and Phase 2 areas and a portion of Phase 3) is considered moderate to highly sensitive for subsurface archaeological deposits along much of its length (pers. comm. Michael Newland Anthropological Study Center, Sonoma State University June 2012). In general, the sensitivity of the APE increases as it approaches the Napa River and the historic channel that runs to its west. Phase 3 Silverado Trail area is considered low to moderately sensitive for buried archaeological deposits along its northern length. Directly north and south of the branch at Stags Leap Winery, the APE is considered moderate to highly sensitive. The very southern extent is considered to have low sensitivity as the APE here is of an age considered too old to contain buried deposits and lies within an area of historic vernal pools. Additionally, most of Phase 3 will be installed within the road bed of the Silverado Trail. If the vertical APE is contained within the modern roadbed above native soil, then only the portion of Phase 3 near Stags Leap would be sensitive for buried deposits. These initial findings will be confirmed through field evaluations to be described in the cultural resources monitoring program. Project construction would involve excavation activities that could inadvertently uncover and affect existing cultural resources and/or archaeological materials, which could be a significant

impact. Federal regulations (36 CFR Part 800.13(b) include provisions for the discovery of historic properties during the implementation of an undertaking and state that the agency official shall make reasonable efforts of avoid, minimize, or mitigation adverse effects to such properties.

#### **Response to Comment 2-17**

This comment refers to Mitigation Measure CR-3: Avoid Significant Resources or Implement Data Recovery Program. The SWRCB requests that a copy of the Data Recovery Program be provided with the final EA & IS/MND.

The Town is under contract with ASC to develop a research design that will define what buried cultural resources might be present in the Project area, which of those resources may constitute cultural deposits potentially eligible to the National Register of Historic Places, and the process by which the evaluation will be made. The research design will include the proposed data recovery process in the event that resources cannot be avoided. The Town will provide an electronic copy of the draft data recovery program to Susan Stewart at the SWRCB once completed.

#### **Response to Comment 2-18**

This comment refers to Mitigation Measure CR-4: Treatment of Archaeological Resources Discovered During Construction. The SWRCB requests that the discovery and treatment plan called for in Mitigation Measure CR-4 be provided with the final version of the EA & IS/MND.

As described in Mitigation Measure CR-4, a discovery and treatment plan would be developed in the event of an unanticipated archaeological discovery that is firstly, determined to be unique under NHPA and/or potentially eligible for listing in the National Register, and secondly, cannot be avoided. In the event that a discovery and treatment plan is required, the Town will contact Susan Stewart at the SWRCB and provide an electronic copy of the draft discovery and treatment plan. In addition, in response to Comment 2-18, Mitigation Measure CR-4 is revised as follows to include SWRCB approval of the treatment plan prior to construction. Note that Mitigation Measure CR-4 also includes revisions generated by Comment 3-3.

#### ***Mitigation Measure CR-4: Treatment of Archaeological Resources Discovered During Construction***

If archaeological materials are encountered during construction activities, the piece of equipment that encounters the materials must be stopped, and the find inspected by a qualified archaeologist to evaluate the materials and recommend appropriate treatment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

In the case of an unanticipated archaeological discovery, if it is determined that the find is unique under NHPA and/or potentially eligible for listing in the National Register, and the site cannot be avoided, the Town shall develop a research design and excavation plan, prepared by an archaeologist, outlining recovery of the resource, analysis, and reporting of the find. Treatment and resolution may include modifying the Project to allow the materials to be left in place, or undertaking data recovery of the materials in accordance with standard archaeological methods; protection and preservation of resources is preferable if feasible. The research design and excavation plan shall be submitted to Reclamation who would notify the SHPO and the Native American representatives. Reclamation and the SWRCB shall approve the plan prior to construction being resumed. In the event that the Town must work in the State right-of-way (i.e. State Highway 29), the Town shall submit a Standard Encroachment Permit Application to Caltrans during the design of Phase 3 of the Project. If an unanticipated archaeological discovery

during ground-disturbing activities occurs within the State right-of-way, the Caltrans Office of Cultural Resource Studies, District 4, shall be contacted.

## **Response to Comment 2-19**

This comment refers to Mitigation Measure CR-6: Procedures for Encountering Human Remains. The SWRCB requests that the Town define the size of the area surrounding the remains that shall not be disturbed until the Napa County Coroner has made the necessary findings.

Mitigation Measure CR-6 did not specify the size of the work stoppage area, and therefore the measure is revised as follows in response to Comment 2-19.

### ***Mitigation Measure CR-6: Procedures for Encountering Human Remains***

If human remains are discovered, potentially damaging activities shall be halted and no further excavation of the remains or nearby area can occur until the Napa County Coroner has made necessary findings as to the origin of the remains, in accordance with the Health and Safety Code 7050.5. The Town shall immediately notify the County Coroner and a professional archaeologist to determine the nature of the remains.

Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human burial. If human burials are encountered, work shall halt in the vicinity and the County Coroner should be notified immediately. At the same time, an archaeologist shall be contacted to evaluate the situation. As the property has been repeatedly tilled and graded, the possibility exists that human remains may be fragmentary and mixed with surrounding soils. If human remains are encountered, all ground disturbance within a 50 feet. diameter area shall be halted until the archaeologist and the coroner have reviewed the remains. If the Coroner determines that the remains are of Native American origin, the Town shall notify the Native American Heritage Commission within 24 hours of identification, as well as the Reclamation representative. The Commission then notifies the Most Likely Descendant, who has 48 hours to make recommendations to the landowner for the disposition of the remains. Remains shall be treated in accordance with Public Resources Code §5097.9.

These revisions clarify the size of the area not to be disturbed in the event that human remains are encountered.

## **Response to Comment 2-20**

This comment discusses earthquake faults in the Project area and asks for clarification if the faults located within the Project area are active. If the faults are active, the SWRCB requests that the Town provide Project design specifications that will reduce impacts from fault activity to less than significant.

Evaluation of geology and soils impacts are provided in Chapter 3, Section 6 Geology and Soils, pages 68-72. The two faults within the Project area (as shown on the Napa County General Plan Figure SAF-1) are not active. Impact VI.a.i) is revised as follows to clarify findings in response to Comment 2-20.

### **VI. a.i) Fault Rupture – Less than Significant**

Faults within the vicinity of Napa County are identified in the Napa County General Plan EIR, Table 4-10.3, which lists general information about the faults and fault activity. None of the faults identified as active or potentially active are located within the Project area (Napa County 2007). There are no known active or potentially active faults located in the Project area. The risk of surface rupture at the site is considered low, and the potential for impacts related to surface fault rupture is less than significant.

## **Response to Comment 2-21**

This comment discusses Mitigation Measure HYD-1, and requests that the Project's Stormwater Pollution Prevention Plan (SWPPP) be included with the final EA & IS/MND.

The SWPPP will be prepared by the Town's Contractor prior to the start of construction as part of Mitigation Measure HYD-1 described on page 88 of the Draft EA & IS/Proposed MND. The SWPPP will address pollutant sources, non-storm water discharges, best management practices, and other requirements specified in the Construction General Permit as described on pages 87-88. The SWPPP will be implemented by qualified personnel. When the SWPPP is completed, it will be sent electronically to Susan Stewart at the SWRCB.

#### **Response to Comment 2-22**

This comment discusses Mitigation Measure HYD-3 and requests that the Frac-Out and Undercrossing Contingency Plan be included with the final EA & IS/MND.

The Frac-Out and Undercrossing Contingency Plan will be prepared by the Town's Contractor prior to the start of construction. Mitigation Measure HYD-3, presented on page 89 of the Draft EA & IS/Proposed MND, includes a list of items that the Frac-out and Undercrossing Plan must address to prevent potential frac-out if drilling muds are used during installation of the pipeline under Chase Creek and Hinman Creek to manage the pressure and volume of lubricant volumes. The plan will also address the procedures to follow in the event that frac-out occurs including the notification and cleanup process. The Town's Contractor will develop the Frac-out and Undercrossing Plan based on the type of equipment and construction methods before the start of construction. Once this plan has been completed, it will be sent electronically to the Susan Stewart at the SWRCB.

#### **Response to Comment 2-23**

This comment provides SWRCB contact information. The Town thanks the SWRCB for this information.



STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
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TTY 711



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July 11, 2012

NAP029889  
NAP-29  
SCH# 2012062035

Mr. Graham Wadsworth  
Planning Department  
Town of Yountville  
6550 Yount Street  
Yountville, CA 94599

Dear Mr. Wadsworth:

**Yountville Recycled Water Expansion Project – Mitigated Negative Declaration**

3-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Yountville Recycled Water Expansion project. The following comments are based on the Mitigated Negative Declaration (MND). As lead agency, the Town of Yountville (Town) is responsible for all project mitigation, including any needed improvements to state highways. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Since an encroachment permit is required for work in the state right of way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the Town work with Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

**Cultural Resources**

3-2

Please send for our review, a copy of the Anthropological Studies Center (ASC) 2011/2012 reports (ASC 2011a, 2011b, 2011c, and 2012) completed in support of the Yountville Recycled Water Expansion project. Should ground-disturbing activities take place as part of this project within the state right of way (ROW) and there is an inadvertent archaeological or burial discovery, in compliance with California Environmental Quality Act (CEQA), PRC 5024.5, and Caltrans Standard Environmental Reference (SER) Chapter 2 (at <http://ser.dot.ca.gov>), all construction within 50 feet of the find shall cease. The Caltrans Office of Cultural Resource

3-3

Studies, District 4, shall be immediately contacted at (510) 622-1673. A staff archaeologist will evaluate the finds within one business day after contact. These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in the state ROW; these requirements also apply to National Environmental Policy Act

Mr. Graham Wadsworth/Town of Yountville  
July 11, 2012  
Page 2

3-3,  
cont'd

(NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, trenching, sidewalks and driveways within or adjacent to the state ROW.

***Encroachment Permit***

3-4

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating the state ROW must be submitted to: Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developscrv/permits/>

***Transportation Permit***

3-5

Project work that requires movement of oversized or excessive load vehicles on state roadways, such as State Route (SR) 29 requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to the following address: Transportation Permits Office, 1823 – 14<sup>th</sup> Street, Sacramento, CA 95811-7119.

See the following website link for more information: <http://www/hq/traffops/permits/>

3-6

***Traffic Control Plan***

When completed, please send a copy of the Traffic Control Plan for our review.

3-7

Please feel free to call or email Sandra Finegan at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse



## **RESPONSE TO COMMENT LETTER #3 – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), JULY 11, 2012**

### **Response to Comment 3-1**

This comment informs the Town that an encroachment permit is required for work in the State right-of-way (ROW). Caltrans recommends that the Town work with Caltrans to resolve concerns during the environmental process before submittal of an encroachment permit.

The Town understands that a Caltrans encroachment permit is required for work in or under State Highway 29 for the installation of a recycled water line under the Highway 29 during Phase 3 of the Project. The Town intends to address the issues raised by Caltrans as discussed below.

### **Response to Comment 3-2**

This comment requests a copy of the ASC 2011/2012 reports prepared for the Project. The Town will send electronic copies of these reports to Caltrans, to the attention of Sandra Finegan.

### **Response to Comment 3-3**

This comment informs the Town that if an inadvertent archeological or burial discovery during ground-disturbing activities occurs within the State ROW, the Caltrans Office of Cultural Resource Studies, District 4, shall be contacted and the finds shall be evaluated. These requirements, and applicable mitigation, must be fulfilled before an encroachment permit can be issued for work within the State ROW.

Sending and receiving pits for the Phase 3 pipeline undercrossing of State Highway 29, described in the Project description on page 21 of the Draft EA & IS/Proposed MND, would be located outside of the State ROW. However, a portion of the pipeline would be installed beneath the State Highway 29 Caltrans ROW. If Phase 3 is constructed and Project construction requires encroachment into the State Highway 29 ROW, the Town will submit a Standard Encroachment Permit Application to Caltrans during the design of Phase 3 of the Project. Mitigation Measure CR-4, presented on page 65 of the Draft EA & IS/Proposed MND, has been revised as follows to address the need for a Caltrans encroachment permit if construction encroaches into the State ROW. Note that the revised Mitigation Measure CR-4 also includes revisions generated by Comment 2-18.

#### ***Mitigation Measure CR-4: Treatment of Archaeological Resources Discovered During Construction***

If archaeological materials are encountered during construction activities, the piece of equipment that encounters the materials must be stopped, and the find inspected by a qualified archaeologist to evaluate the materials and recommend appropriate treatment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

In the case of an unanticipated archaeological discovery, if it is determined that the find is unique under NHPA and/or potentially eligible for listing in the National Register, and the site cannot be avoided, the Town shall develop a research design and excavation plan, prepared by an archaeologist, outlining recovery of the resource, analysis, and reporting of the find. Treatment and resolution may include modifying the Project to allow the materials to be left in place, or undertaking data recovery of the materials in accordance with standard archaeological methods; protection and preservation of resources is preferable if feasible. The research design and excavation plan shall be submitted to Reclamation who would notify the SHPO and the Native American representatives. Reclamation and the SWRCB shall approve the plan prior to construction being resumed.

In the event that the Town must work in the State right-of-way (i.e. State Highway 29), the Town shall submit a Standard Encroachment Permit Application to Caltrans during the design of Phase 3 of the Project. If an unanticipated archaeological discovery during ground-disturbing activities occurs within the State right-of-way, the Caltrans Office of Cultural Resource Studies, District 4, shall be contacted.

With this revision, Mitigation Measure CR-4 ensures that the Town will apply for a Caltrans encroachment permit if construction work is required within the State ROW. Also the Town will contact the Caltrans in the event of an unanticipated archaeological discovery within the State ROW.

The Caltrans encroachment permit was not included in the list of Requirements and Approvals presented on pages 6-7 of the Draft EA & IS/Proposed MND, and therefore this section is revised as follows in response to Comment 3-3. Please note that the Requirements and Approvals section as presented below also includes revisions generated by Comment 3-5.

## **REQUIREMENTS AND APPROVALS**

The Town and Reclamation are the lead agencies for the purposes of environmental documentation and compliance with CEQA and NEPA. As the Project proponent, the Town would also need to obtain the appropriate permits and approvals. The following permits, approvals, and actions may be required for the Project.

Town of Yountville: Adoption of the IS/MND and approval of the Project.

U.S. Bureau of Reclamation: Completion of National Historic Preservation Act (NHPA) Section 106 consultation with the Office of Historic Preservation (SHPO); completion of Endangered Species Act Section 7 informal consultation with United States Fish and Wildlife Service and/or National Marine Fisheries Service; issuance of a Finding of No Significant Impact

Napa County: Grading permit; Encroachment Permit; Floodplain Permit.

San Francisco Bay RWQCB: Amendment to the Town's existing water reuse NPDES permit and compliance with any of the following potentially required permits:

- NPDES General Permit for Stormwater Discharges Associated with Construction Activity
- Section 401 Water Quality Certification

California Department of Fish and Game: Streambed Alteration Agreement

Army Corps of Engineers: Section 404 permit.

California Department of Transportation: Transportation Permit; Encroachment Permit

## **Response to Comment 3-4**

This comment advises the Town that any work or traffic control encroaching onto the State ROW requires a Caltrans encroachment permit. The comment details the application procedure.

Project Measure 2: Traffic Control Plan, described on page 25 of the Draft EA & IS/Proposed MND, describes the Project's traffic control measures. Because trenchless construction methods would be used for the pipeline crossing of Highway 29 as part of Phase 3 of the Project, it is unlikely that Project traffic control measures would be encroach into the State ROW. However, if traffic control measures are required within the State ROW, the Town will submit an application for a Caltrans encroachment permit and provide Caltrans with the required information as described in the comment.

### **Response to Comment 3-5**

This comment advises the Town that the movement of oversized or excessive load vehicles on State roadways, including Highway 29, requires a transportation permit issued by Caltrans. The comment also details the application procedures for this permit.

The Project will likely require the use of oversized or excessive load vehicles on Highway 29. The Caltrans transportation permit was not included in the list of Requirements and Approvals presented on pages 6-7 of the Draft EA & IS/Proposed MND, and therefore this section is revised as follows in response to Comment 3-5. Please note that the Requirements and Approvals section as presented below also includes revisions generated by Comment 3-3.

### **REQUIREMENTS AND APPROVALS**

The Town and Reclamation are the lead agencies for the purposes of environmental documentation and compliance with CEQA and NEPA. As the Project proponent, the Town would also need to obtain the appropriate permits and approvals. The following permits, approvals, and actions may be required for the Project.

Town of Yountville: Adoption of the IS/MND and approval of the Project.

U.S. Bureau of Reclamation: Completion of National Historic Preservation Act (NHPA) Section 106 consultation with the Office of Historic Preservation (SHPO); completion of Endangered Species Act Section 7 informal consultation with United States Fish and Wildlife Service and/or National Marine Fisheries Service; issuance of a Finding of No Significant Impact

Napa County: Grading permit; Encroachment Permit; Floodplain Permit.

San Francisco Bay RWQCB: Amendment to the Town's existing water reuse NPDES permit and compliance with any of the following potentially required permits:

- NPDES General Permit for Stormwater Discharges Associated with Construction Activity
- Section 401 Water Quality Certification

California Department of Fish and Game: Streambed Alteration Agreement

Army Corps of Engineers: Section 404 permit.

California Department of Transportation: Transportation Permit; Encroachment Permit

### **Response to Comment 3-6**

This comment requests a copy of the Traffic Control Plan for Caltrans' review.

As stated in Response to Comment 3-5, the Project is unlikely to require traffic control measures within the State ROW. The Traffic Control Plan will be prepared as part of the construction contract and is not available at this time. Once the Traffic Control Plan is completed, it will be sent electronically to Caltrans, to the attention of Sandra Finegan.

### **Response to Comment 3-7**

This comment provides Caltrans contact information. The Town thanks Caltrans for this information.

EDMUND G. BROWN JR.  
GOVERNORMATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## San Francisco Bay Regional Water Quality Control Board

**Sent via electronic mail: No hard copy to follow.**

June 22, 2012  
CIWQS File No. 274528

Town of Yountville  
6550 Yount Street  
Yountville, CA 94599  
Attn: Mr. Graham Wadsworth  
e-mail: gwadsworth@yville.com

**Subject: Water Board Comments on Yountville Recycled Water Expansion  
Project Draft Environmental Assessment and Initial Study/Proposed  
Mitigated Negative Declaration, June 2012**

Dear Mr. Wadsworth:

2-1 The San Francisco Bay Regional Water Quality Control Board (Water Board) appreciates the opportunity to comment on the Yountville Recycled Water Expansion Project Draft Environmental Assessment and Initial Study/Proposed Mitigated Negative Declaration (MND). The Yountville Recycled Water Expansion (Project) would expand the Town's recycled water infrastructure and provide additional pipeline alignments required to serve recycled water to new agricultural irrigation customers, increase water delivery rates, and reach additional storage pond locations. The Project would also result in reduced effluent discharge to the Napa River.

### Comment 1:

In the MND, it is stated that: "Implementation of Mitigation Measure BIO-3 would reduce impacts to jurisdictional wetlands and waters through avoidance where feasible. Where impacts cannot be avoided, Mitigation Measure BIO-3 describes the measures used to restore the function of the wetland and reduce the impacts to less-than significant levels." (p. 56)

2-2 As such, implementation of the Project, as currently proposed in the MND, will result in temporal impacts to wetlands or other waters of the State. State and Water Board Policy require that impacts to wetlands and other waters of the State be avoided and minimized to the extent practicable. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) specifies that the federal Clean Water Act (CWA) Section 404(b)(1) Guidelines should be utilized in determining the circumstances under which filling wetlands and other waters of the State may be permitted. The 404(b)(1) Guidelines specify that for non-water dependent projects, such as this Project, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem. If

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)

2-2,  
cont'd

avoidance of wetlands and other waters is deemed unfeasible as part of the 404(b)(1) Guidelines analysis, temporal impacts will need to be mitigated in addition to restoration of the impacted wetlands and other waters.

**Comment 2:**

2-3

If fill of wetlands and other waters of the State cannot be avoided as part of the Project, the Discharger will also need to prepare and submit for Water Board review a detailed Mitigation and Monitoring Plan (MMP) as part of the CWA Section 401 application. Application information can be found at the State Water Resources Control Board's web site at: [www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml)

**Comment 3:**

2-4

Construction activity associated with Linear Underground Utility Projects (LUPs) including, but not limited to, those activities necessary for the installation of underground facilities (e.g., conduits, pipelines, and associated ancillary facilities) and include, but are not limited to, trenching, excavation, boring and drilling, access road and substructure installation, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations. disturbing one acre or more of land, are required to obtain coverage under and comply with the State National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (General Permit). The General Permit, corresponding Fact Sheets, and application materials can be accessed at the State Water Resources Control Board's web site at: [www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

The General Permit contains requirements for LUP Risk Type 1, 2, and 3 (Attachment A of the General Permit). Risk levels are established by determining two factors: first, calculating the site's sediment risk; and second, receiving water risk during periods of soil exposure (i.e. grading and site stabilization).

**Comment 4:**

2-5

In the MND, it is stated that: "Spread a cover of straw, rice straw if available, over disturbed soils and work into soil." (p. 56) The MND should clearly state that this practice will not be implemented in wetland soils.

2-6

If you have any questions please contact Fred Hetzel at 510-622-2357 or by e-mail at [fhetzel@waterboards.ca.gov](mailto:fhetzel@waterboards.ca.gov).

Sincerely,



Fred Hetzel  
Watershed Management Division

## **RESPONSE TO COMMENT LETTER #4, SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD (RWQCB), JUNE 22, 2012**

### **Response to Comment 4-1**

This comment presents a project summary. Because this comment does not address the adequacy of the Draft EA & IS/Proposed MND, no response is required.

### **Response to Comment 4-2**

This comment discusses Mitigation Measure BIO-3, Project impacts to jurisdictional wetlands and waters, and requirements under the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) and the Clean Water Act (CWA) Section 404(b)(1) Guidelines. In this comment, the RWQCB advises the Town that under 404(b)(1) Guidelines, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have a less than adverse impact on the aquatic ecosystem. The comment also states that temporal impacts to waters and wetlands will need to be mitigated in addition to restoration of the impacted wetlands and other waters.

The Town intends to avoid impacts to wetlands and waters where feasible. As described in the Project description on page 21, trenchless construction would be used for the Phase 3 crossing of Chase Creek. As described on page 17, the crossing of all other jurisdictional waters (Hinman Creek, Hopper Creek, and Beard Ditch) would be performed using open trench construction methods.

However, to further reduce impacts to jurisdictional waters, and in response to Comment 4-2, the Project description is revised to indicate that Hinman Creek would be constructed via trenchless construction. Pipeline installation across Hopper Creek and Beard Ditch would be completed during the dry season using open trench construction methods. This change to the Project description requires several revisions to the Draft EA & IS/Proposed MND as follows.

The Project Construction Activities, Pipelines and Valves paragraph on page 17 is revised as follows in response to Comment 4-2.

## **PROJECT CONSTRUCTION ACTIVITIES**

### **Pipelines and Valves**

The majority of the pipelines would be installed using open trench construction, with the exception of Phase 3 undercrossings of Solano Avenue/ Highway 29, and Chase Creek, and Hinman Creek, which would be installed using trenchless construction methods.

In addition, the Trenchless Construction Methods paragraph on page 21 of the Draft EA & IS/Proposed MND is revised as follows in response to Comment 4-2.

#### ***Trenchless Construction Methods***

Trenchless methods would be used to install the pipeline under Solano Avenue/Highway 29. As shown on Figure 6, approximately 380 linear feet of 8-inch pipeline would be installed under Solano Avenue/Highway 29 during Phase 3 and 120 linear feet of 8-inch pipeline would be installed under Chase Creek. Trenchless construction methods would also be used to install pipeline under Hinman Creek during Phase 3. Horizontal directional drilling (HDD) and jack and bore installation are the two trenchless construction techniques that may be employed to install underground pipelines. These processes are described below.

Revisions to the Project description to construct the pipeline crossing of Hinman Creek using trenchless construction also requires revisions to Chapter 3, Section 4, Biological Resources, Impact IV.b on pages 54-55 of the Draft EA & IS/Proposed MND. Impact IV.b is revised as follows in response to Comment 4-2.



#### **IV. b) Impacts to Riparian or Sensitive Natural Community – No Impact**

Improvements at the Joint Treatment Plant would occur within the boundary of the existing plant, which does not include riparian vegetation, and therefore would not impact riparian vegetation. None of the vineyard irrigation ponds are located in valley foothill riparian habitat; therefore no impacts would occur in these areas.

An 8-inch recycled water pipeline would be installed under Chase Creek along Silverado Trail as part of Phase 3. Installation of the pipeline would be accomplished using trenchless construction methods and would not impact riparian vegetation present along the channel upstream or downstream of Silverado Trail. Construction activities would not require tree removal; therefore, there would be no impact to riparian vegetation.

A 6-inch recycled water pipeline would be installed across Hopper Creek along Land Lane as part of Phase 2 as illustrated on Figure 5. ~~A 6-inch recycled water pipeline across Hinman Creek within the existing JTP access roadway would be installed as part of Phase 3 as shown on Figure 6 at the north east corner of the JTP.~~ The pipeline would be installed at Hopper Creek and ~~Hinman Creek~~ during the summer months and in an area that does not support riparian vegetation. Therefore, no impact to riparian vegetation would occur in these locations.

In addition, Impact IV. c), shown on page 55 of the Draft EA & IS/Proposed MND, is revised as follows in response to Comment 4-2.

#### **IV. c) Impacts to Wetlands and Waters – Less than Significant with Mitigation**

Potential wetlands and waters in the study area are shown on Map 1 of 2 and 2 of 2 in Appendix D, Wetland and Waters Delineation Report. The wetlands delineation identifies four seasonal wetlands, one freshwater marsh, four drainages (including Hinman Creek and Hopper Creek), Chase Creek, and Napa River in the study area, totaling as much as 1.21 acres of wetlands and as much as 0.66 acres of other waters.

No wetlands or waters were mapped at the Joint Treatment Plant; therefore construction activities at the plant would not impact wetlands or waters. The irrigation ponds were identified as non-jurisdictional wetlands during the wetland delineation. Construction in the ponds would not be necessary to deliver recycled water to the ponds; therefore, no impacts to wetlands or waters would occur at any of the irrigation ponds.

An 8-inch recycled water pipeline would be installed under Chase Creek along Silverado Trail, and under Hinman Creek at the Joint Treatment Plant, as part of Phase 3. Installation of the pipeline under Chase Creek and Hinman Creek would be accomplished using trenchless construction methods; thereby avoiding impacts to jurisdictional waters and wetlands in these locations.

Revisions to the Project description to construct the pipeline crossing of Hinman Creek using trenchless construction also requires revisions to Chapter 3, Section 9 Hydrology and Water Quality, Impact IX.a&f on pages 87-88 of the Draft EA & IS/Proposed MND. Therefore, Impact IX.a&f is revised as follows in response to Comment 4-2.

#### **IX. a & f) Violate Water Quality Standards or Degrade Water Quality – Less than Significant with Mitigation**

A pipeline would be installed under the Chase Creek and Hinman Creek as part of Phase 3 construction. The pipeline would be constructed using trenchless construction methods (either horizontal directional drilling or jack and bore). Installation of the pipeline undercrossing using trenchless methods would not alter the course of Chase Creek or Hinman Creek, nor would it affect water quality in the channel. However, the use of trenchless construction methods,

especially horizontal directional drilling, requires the use of a drilling slurry containing bentonite (a fine clay material used as a lubricant), and drilling near the ground surface or close to the bed of Chase Creek or Hinman Creek could introduce the potential for frac-out (where the bentonite surfaces in the stream bed). Although the bentonite is non-toxic, it can increase turbidity and suspended sediments in the surface water. The potential for impact from frac-out of drilling fluids into Chase Creek or Hinman Creek is considered significant.

During Phase 2 of the Project, a new 8-inch diameter recycled water pipeline would be installed beneath Hopper Creek and Beard Ditch on Land Lane by open trenching across the creek channel during the dry season. ~~A pipeline would be installed across Hinman Creek as part of Phase 3.~~ Construction in these locations would be completed when there is no water in the channel. Open trenching would temporarily impact the banks of Hopper Creek ~~and Hinman Creek~~ and could result in erosion or siltation if not properly controlled and restored following construction. The potential water quality impact from construction across Hopper Creek ~~and Hinman Creek~~ is considered significant.

In addition, revisions to Mitigation Measure HYD-3: Frac-Out and Undercrossing Contingency Plan, presented on page 89 of the Draft EA & IS/Proposed MND, are required. Therefore, Mitigation Measure HYD-3 is revised as follows in response to Comment 4-2.

***Mitigation Measure HYD-3: Frac-Out and Undercrossing Contingency Plan***

If drilling mud is needed during construction, the Town shall develop and follow procedures to prevent the mix used during drilling from being discharged into Chase Creek and Hinman Creek when installing pipelines using trenchless construction methods. The plan shall address how the contractor would manage pressures and the volume of lubricant used to prevent frac-out.

The following paragraph discussing the effects of implementing Mitigation Measures HYD-3 and BIO-3, found on pages 89-90 of the Draft EA & IS/Proposed MND are also is revised as follows in response to Comment 4-2.

Implementation of Mitigation Measure HYD-3 would reduce the impact from potential frac-out of drilling fluids into Chase Creek and Hinman Creek to a less-than-significant level by requiring preparation and implementation of a Frac-Out and Undercrossing Contingency Plan. The Plan would identify the measures necessary to reduce the potential for frac-out and would provide procedures to follow in the event frac-out occurs to minimize impacts.

Implementation of Mitigation Measure BIO-3 (in Section IV, Biological Resources) would require the restoration of ~~Hinman and Hooper Creeks~~ following installation of the pipeline. Restoration activities would protect water quality by requiring stabilization and restoration of channel banks following construction.

Impact discussion IX.c on pages 90-91 of the Draft EA & IS/Proposed MND also requires revisions. Therefore, the following paragraph is revised as follows in response to Comment 4-2.

**IX. c) Alter Drainage Patterns Resulting in Erosion or Siltation – Less than Significant**

Installation of the pipeline beneath Chase Creek and Hinman Creek would utilize trenchless methods (either horizontal directional drilling or jack and bore). Installation of the pipeline undercrossings using trenchless methods would not alter the course of waterways; therefore, the impact from crossings of Chase Creek and Hinman Creek is considered less than significant.

Revisions to impact discussion IX.d on page 91 of the Draft EA & IS/Proposed MND are also required. Therefore, the following paragraph is revised as follows in response to Comment 4-2.



#### **IX. d) Substantially Increase Runoff Resulting in Flooding – Less than Significant**

Installation of the pipelines beneath Chase Creek and Hinman Creek as part of Phase 3 would utilize trenchless methods, which would not alter the course of this waterway. During construction, dewatering of the work area could be required if groundwater accumulates in an open trench or a jack and bore pit area. Construction beneath Chase Creek and Hinman Creek, including discharge of groundwater dewatering, would not result in flooding on- or off-site as discharge from trench dewatering would be limited and quantities would be small. The impact is considered less than significant.

Revisions to the Project description to construct the pipeline crossing of Hinman Creek using trenchless construction also requires revisions to the noise impact discussion. This includes impact discussion Xii.a&d on page 100 of the Draft EA & IS/Proposed MND. Therefore, the following paragraph is revised as follows in response to Comment 4-2.

Under the Town of Yountville Municipal Code, potentially sensitive receptors along the Project pipeline alignments would include the commercial establishments along Solano Avenue, including Vinter's Golf Club, ~~and~~ the Saint Joan of Arc Catholic Church at Washington Street and Land Lane, and the Veterans Home of California. The church buildings are located approximately 40 feet from the Phase 2 pipeline route and the sending/receiving pit for the Solano Avenue/Highway 29 trenchless undercrossing (Phase 3), and 50 feet from the Phase 1 Washington Street pipeline route. The Phase 3 pipeline extending from the JTP is adjacent to the golf course fairway and driving range. The driving range is also immediately adjacent to the sending/receiving pit for the Solano Avenue/Highway 29 trenchless undercrossing. The Phase 3 undercrossing of Hinman Creek would be located approximately 1,450 feet from the Veterans Home of California facilities and residences.

By incorporating these revisions related to the trenchless undercrossing of Hinman Creek, the Project further reduces impacts to jurisdictional water and wetlands through avoidance where feasible.

Comment 4-2 also calls for the mitigation of temporary impacts to jurisdictional waters and wetlands beyond restoration. As discussed in Impact IV.c, and as included in Mitigation Measure BIO-3 (see pages 55-56 of the Draft EA & IS/Proposed MND), the Project shall be designed to avoid impacts, where feasible, to jurisdictional waters and wetlands. If impacts cannot feasibly be avoided, Mitigation Measure BIO-3 requires the Town to undertake actions to develop and implement a wetlands and waters restoration plan, including mitigation to offset temporal impacts. The restoration may include increased area of wetland and waters enhancement to mitigate for temporary impacts. With the implementation of Mitigation Measure BIO-3, the Town will restore the temporary construction-related impacts to wetland and waters where construction impacts cannot be avoided.

#### **Response to Comment 4-3**

This comment states that if wetlands and waters of the State cannot be avoided, a detailed Mitigation and Monitoring Plan will need to be submitted as part of the CWA Section 401 application. The comment also provides information on how to obtain application materials.

The Town acknowledges this requirement and the Town will submit a mitigation and monitoring plan as part of the CWA Section 401 application package, as described on pages 7 and 126 of the Draft EA & IS/Proposed MND.

#### **Response to Comment 4-4**

This comment advises the Town that construction activity for linear underground utility projects (LUPs) that disturb one or more acre of and are subject to the requirements under the State National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (General Permit). The comment also provides information on how to obtain application materials, and information on risk levels for LUPs.

The Town acknowledges this requirement and the Town will submit an application for a General Permit, as described on pages 7, 126 and 129 of the Draft EA & IS/Proposed MND.

#### **Response to Comment 4-5**

This comment requests the revision of language in Mitigation Measure BIO-3, specifically the bullet item on page 56: “spread a cover of straw, rice straw if available, over disturbed soils and work into soil.” The RWQCB requests that the Draft EA & IS/Proposed MND clearly state this practice will not be implemented in wetland soils.

Mitigation Measure BIO-3 is revised as follows in response to Comment 4-5.

#### ***Mitigation Measure BIO-3: Avoid or Restore Jurisdictional Wetlands and Waters Temporarily Affected by Construction***

The Town shall implement avoidance and minimization measures, including best management practices (BMPs), to protect jurisdictional wetlands and waters during construction. Materials and fluids generated by construction activities shall be placed at least 25 feet away from wetland areas or drainages until they can be disposed of at a permitted site. All wetlands and waters areas located adjacent to the construction zone that could be affected by construction activities shall be temporarily fenced off and designated as environmentally sensitive areas to prevent accidental intrusion by workers and equipment.

The Project shall be designed to avoid impacts to SW-1, SW-3, and FWM-2 to the extent feasible. The pipeline shall be designed for installation along the vineyard or roadway edge and outside the vineyard irrigation ditch/seasonal wetland.

The following measures shall be implemented where construction impacts to jurisdictional waters and wetlands cannot feasibly be avoided. A wetland and waters restoration plan shall be prepared prior to construction. The restoration shall include, but not be limited to, the following measures:

- Install pipelines when wetlands and streams are dry.
- Restore original contours and drainage patterns, both into and out of the wetland.
- Spread a cover of straw, rice straw if available, over disturbed soils and work into soil. This practice shall not be implemented in wetland soils.
- Apply an organically based tackifier on disturbed areas to reduce air and water erosion of soils.
- Plants shall be installed, maintained and replaced such that 70 percent of the design plant density is present on the five-year anniversary of plant installation.

With this revision, Mitigation Measure BIO-3 clearly states that straw cover shall not occur in wetlands soils, and the Town commits to implementing the mitigation measure as revised.

#### **Response to Comment 4-6**

This comment provides RWQCB contact information. The Town thanks the RWQCB for this information.

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p><b>Project Measure 1: Basic Air Quality Measures</b></p> <p>The Town shall implement the Bay Area Air Quality Management District's Basic Construction Measures, which consist of the following:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered up to two times per day as necessary to reduce dust.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall</li> </ul>	Town of Yountville	During construction	Ongoing during construction	Implement BMPs

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
also be visible to ensure compliance with applicable regulations.				
<p><b>Project Measure 2: Traffic Control Plan</b></p> <p>The Town shall require the contractor to develop a traffic control plan to minimize the impacts of construction traffic on Project area roadways and at key intersections used during construction. The traffic control plan shall include the following provisions and may include other measures if a further need is identified.</p> <ul style="list-style-type: none"> <li>• Location(s) of designated Project construction staging areas.</li> <li>• Post warning signage at points where construction traffic will enter or leave Solano Avenue, Land Lane, and Silverado Trail</li> <li>• Use flag control during work hours when equipment or materials are delivered to the work area.</li> <li>• Detour routes to be used in order to maintain access during various phases of the Project's construction.</li> <li>• Restrict all construction traffic to normal daytime business hours, unless the Town identifies a need for off-hours routing to avoid impacts on peak-hour commute traffic.</li> <li>• Consult with the Napa County Fire Department and provide notification of the timing, location, and duration of construction in the vicinity of the Yountville fire station.</li> <li>• In order to minimize any potential overlap with other construction and roadway improvement project(s), the contractor shall work with the Town and Napa County to identify the routes and intersections that should be avoided, as well as appropriate alternate travel routes or times. The plan shall address routes to minimize construction traffic on State Highway 29 during peak hours.</li> </ul>	Town of Yountville	Prior to Construction	Ongoing during construction	Develop and Implement Traffic Control Plan

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p><b><i>Mitigation Measure AES-1: Development of Trenching Techniques to Minimize Tree Loss along Washington Street</i></b></p> <p>The Town shall retain a certified arborist to evaluate Project construction plans and develop special trenching techniques to minimize the potential for tree impacts and tree loss along Washington Street. Construction activities within the dripline of trees adjacent to adjacent to trenches shall be avoided to the extent feasible during construction. Pruning of trees shall be completed by either a certified arborist or by the contractor under supervision of either an International Society of Arboriculture qualified arborist, American Society of Consulting Arborists consulting arborist, or a qualified horticulturalist. If trees are damaged or lost, trees shall be replaced in accordance with Chapter 12.16 of the Town's Municipal Code (Tree Ordinance) in a manner that retains the functionality of visual screening along Washington Street.</p>	Town of Yountville	Prior to construction	Ongoing during construction	Develop and implement trenching techniques to minimize tree damage
<p><b><i>Mitigation Measure BIO-1: Avoid Impacts to California Red-legged Frog</i></b></p> <p>The Town shall implement the following measures to avoid impacts to California red-legged frogs (<u>CRLF</u>) during construction within 50 feet of the agricultural irrigation ponds:</p> <ol style="list-style-type: none"> <li>Ground disturbing construction activities shall be limited to the dry season period from April 1 through November 1 to avoid potential red-legged frog dispersal events.</li> <li>A qualified biologist shall conduct a pre-construction survey immediately preceding any construction activity within 50 feet of the irrigation ponds. The biologist shall remain on-site during ground disturbing construction within 50 feet of a pond.</li> <li>If a CRLF is encountered during construction, all construction activities in the immediate area shall cease until the animal moves away of its own volition.</li> </ol>	Town of Yountville	Prior to construction	Ongoing during construction	Conduct pre-construction surveys; implement minimization measures as needed.



## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p>Construction cannot begin until the CRLF has left the construction area. If CRLF do not leave the site to allow for construction, the Town shall contact USFWS for direction on how to proceed.</p> <p>d. Prior to the start of construction, a USFWS-approved biologist shall train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices before the start of construction.</p> <p>e. Because dusk and dawn are often the times when CRLF are most actively foraging and dispersing, all construction activities shall cease one-half hour before sunset and shall not begin prior to one-half hour before sunrise. All vehicle parking shall be restricted to previously determined staging areas or existing roads.</p> <p>f. The fueling and maintenance of vehicles and other equipment shall occur at least 20 meters (65 feet) from any riparian habitat or water body.</p>				
<p><b>Mitigation Measure BIO-2: Conduct Preconstruction Nesting Surveys for Nesting Passerines and Raptors</b></p> <p>If construction is scheduled to start between January 31 and October 1, a qualified biologist shall conduct preconstruction nesting surveys within 48 hours of construction for nesting passerines (small songbirds) and raptors. Trees within a 200-foot radius shall be included in the surveys. If active nests are located in the work area, the biologist, in consultation with CDFG, shall establish an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. A minimum of a 50-foot buffer zone shall be placed around passerine nests and 250-foot buffers shall be placed around raptor nests. If a qualified biologist determines that less of a buffer zone is acceptable, the size of the buffer zone may be reduced upon approval by CDFG.</p>	Town of Yountville	Prior to construction	Ongoing during construction	Conduct pre-construction surveys; implement minimization measures as needed.

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p><b><i>Mitigation Measure BIO-3: Avoid or Restore Jurisdictional Wetlands and Waters Temporarily Affected by Construction</i></b></p> <p>The Town shall implement avoidance and minimization measures, including best management practices (BMPs), to protect jurisdictional wetlands and waters during construction. Materials and fluids generated by construction activities shall be placed at least 25 feet away from wetland areas or drainages until they can be disposed of at a permitted site. All wetlands and waters areas located adjacent to the construction zone that could be affected by construction activities shall be temporarily fenced off and designated as environmentally sensitive areas to prevent accidental intrusion by workers and equipment.</p> <p>The Project shall be designed to avoid impacts to SW-1, SW-3, and FWM-2 to the extent feasible. The pipeline shall be designed for installation along the vineyard or roadway edge and outside the vineyard irrigation ditch/seasonal wetland.</p> <p>The following measures shall be implemented where construction impacts to jurisdictional waters and wetlands cannot feasibly be avoided. A wetland and waters restoration plan shall be prepared prior to construction. The restoration shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> <li>• Install pipelines when wetlands and streams are dry.</li> <li>• Restore original contours and drainage patterns, both into and out of the wetland.</li> <li>• <u>Spread</u> a cover of straw, rice straw if available, over disturbed soils and work into soil. <u>This practice shall not be implemented in wetland soils.</u></li> <li>• Apply an organically based tackifier on disturbed areas</li> </ul>	Town of Yountville	During Project Design	Ongoing during construction and post-construction	Avoid where feasible and restore where impacts occur

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p>to reduce air and water erosion of soils.</p> <ul style="list-style-type: none"> <li>Plants shall be installed, maintained and replaced such that 70 percent of the design plant density is present on the five-year anniversary of plant installation.</li> </ul>				
<p><b>Mitigation Measure CR-1: Avoid Known Resources</b> To avoid potential impacts to ASC-41-11-02, pipeline trenching shall be rerouted to avoid the resource to leave a 30 foot buffer between the resource and any ground disturbance or equipment use.</p>	Town of Yountville	During Project Design	Ongoing during Construction	Reroute pipeline trenching, create buffer
<p><b>Mitigation Measure CR-2: Prepare a Cultural Resources Monitoring Plan and Implement a Subsurface Archaeological Inventory</b> Prior to construction, a Cultural Resources Monitoring Plan and a subsurface archaeological inventory shall be completed to identify specific portions of the <u>Area of Potential Effect (APE)</u> that are likely to be sensitive for containing previously undiscovered buried archaeological deposits. A qualified archaeologist shall prepare the monitoring plan and complete the subsurface archaeological survey.</p> <p>The study shall utilize a variety of archival sources including ethnographic literature, previous archaeological studies with subsurface components within the project vicinity, and geological history and soil survey data for the surrounding area. If sensitive areas are present within the APE, a work plan shall be prepared that defines methods for determining the presence or absence of archaeological deposits within those sensitive areas. The work plan shall consist of an augering program that shall focus on areas identified as potentially culturally sensitive within both the horizontal and vertical APE. Areas identified as culturally sensitive will be those that a) contain a surface archaeological component, such as ASC-41-11-02; b) are identified as a likely location for</p>	Town of Yountville	Prior to construction	Ongoing during Construction	Complete Cultural Resources Monitoring Plan and subsurface archaeological inventory

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
prehistoric habitation based on ethnographic descriptions of the area and resources present; or c) are identified as areas containing stable landforms with a likelihood of buried deposits due to underlying geologic and soil formation processes. Frequency and spacing of auger holes shall depend on the type of sensitivity identified.				
<p><b><i>Mitigation CR-3 Avoid Significant Resources or Implement Data Recovery Program</i></b></p> <p>If buried archaeological resources are found during the subsurface archaeological inventory, the archaeologist shall evaluate the resource(s) to determine its significance. For any resource that is determined to be significant, the archaeologist shall assist the Reclamation <u>staff</u> in assessing the Project's effect on the property. If the effect would be adverse (if the project would alter, directly or indirectly, any of the characteristics of a historic property that qualify it for listing in the National Register) then the Town shall redesign the Project to avoid any adverse effect on the significant resource where feasible. If the adverse effect cannot be avoided, an archaeological data recovery program shall be undertaken. The archaeologist shall prepare a draft data recovery plan that identifies how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The Plan shall identify the scientific/historic research questions applicable to the resource, the data classes the resource is expected to possess, and how the data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historic property that could be adversely affected by the Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>All the above-described procedures shall be completed in consultation with the <u>State Historic Preservation Officer (SHPO)</u> and interested parties, including the scope of the</p>	Town of Yountville	Prior to construction	Ongoing during Construction	Evaluate, redesign and avoid significant resources if necessary.



## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p>resource identification efforts, the evaluation of significance of identified archaeological resources, the assessment of effects, and the development of the data recovery program.</p> <p>To satisfy the requirements of CEQA, any identified resource that does not meet National Register eligibility criteria, shall be evaluated to determine if it constitutes either a historical resource or unique archaeological resource pursuant to CEQA Guidelines Section 15064.5. For any identified historical or unique archaeological resource, the archaeologist shall assess whether or not the Project would cause a substantial adverse change in the significance of the resource. If the Project would cause such an adverse change, the Project shall be redesigned to avoid the resource if possible, or a program of data recovery shall be implemented in accordance with standard archaeological methods.</p>				
<p><b><i>Mitigation Measure CR-4: Treatment of Archaeological Resources Discovered During Construction</i></b></p> <p>If archaeological materials are encountered during construction activities, the piece of equipment that encounters the materials must be stopped, and the find inspected by a qualified archaeologist to evaluate the materials and recommend appropriate treatment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.</p> <p>In the case of an unanticipated archaeological discovery, if it is determined that the find is unique under the <u>National Historic Preservation Act (NHPA)</u> and/or potentially eligible for listing in</p>	Town of Yountville	If encountered	Ongoing during Construction	Halt work, and develop and implement research and excavation plan, if necessary

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
the National Register, and the site cannot be avoided, the Town shall develop a research design and excavation plan, prepared by an archaeologist, outlining recovery of the resource, analysis, and reporting of the find. Treatment and resolution may include modifying the Project to allow the materials to be left in place, or undertaking data recovery of the materials in accordance with standard archaeological methods; protection and preservation of resources is preferable if feasible. The research design and excavation plan shall be submitted to Reclamation staff who would notify the SHPO and the Native American representatives. Reclamation and the SWRCB shall approve the plan prior to construction being resumed. <u>In the event that the Town must work in the State right-of-way (i.e. State Highway 29), the Town shall submit a Standard Encroachment Permit Application to Caltrans during the design of Phase 3 of the Project. If an unanticipated archaeological discovery during ground-disturbing activities occurs within the State right-of-way, the Caltrans Office of Cultural Resource Studies, District 4, shall be contacted.</u>				
<b><i>Mitigation Measure CR-5: Protection and Preservation of Paleontological Materials</i></b> If paleontological resources (e.g., vertebrate bones, teeth, or abundant and well-preserved invertebrates or plants) are encountered during construction, the Town shall halt ground-disturbing work in the vicinity of the find. Work near the find shall not be resumed until a qualified paleontologist has evaluated the materials and offer recommendations for further action, including salvage of any significant paleontological resources.	Town of Yountville	If encountered	Ongoing during Construction	Halt work, notify and evaluate materials, if necessary
<b><i>Mitigation Measure CR-6: Procedures for Encountering Human Remains</i></b> If human remains are discovered, potentially damaging activities shall be halted and no further excavation of the remains or nearby area can occur until the Napa County Coroner has made necessary findings as to the origin of the	Town of Yountville	If encountered	Ongoing during Construction	Halt work and notify County Coroner and/or NAHC and USBR if necessary.

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
remains, in accordance with the Health and Safety Code 7050.5. The Town shall immediately notify the County Coroner and a professional archaeologist to determine the nature of the remains. <u>At the same time, an archaeologist shall be contacted to evaluate the situation. As the property has been repeatedly tilled and graded, the possibility exists that human remains may be fragmentary and mixed with surrounding soils. If human remains are encountered, all ground disturbance within a 50 feet diameter area shall be halted until the archaeologist and the coroner have reviewed the remains. If the Coroner determines that the remains are of Native American origin, the Town shall notify the Native American Heritage Commission within 24 hours of identification, as well as the Reclamation representative. The Commission then notifies the Most Likely Descendant, who has 48 hours to make recommendations to the landowner for the disposition of the remains.</u> Remains shall be treated in accordance with Public Resources Code §5097.9.				
<b><i>Mitigation Measure GEO-1: Geotechnical Study</i></b> A California registered Geotechnical Engineer shall conduct a design-level geotechnical study for the Project. Borings shall be advanced in select areas of the pipeline route to evaluate areas susceptible to liquefaction and expansiveness and recommendations to repair, stabilize, or avoid such soils shall be provided. Measures may include, but would not be limited to, removal of soils prone to seismically-induced liquefaction or shrinking and swelling, soil stabilization such as lime treatment, use of restrained joint pipes, and other measures. The recommendations made in the geotechnical study shall be incorporated into the final plans and specifications and implemented during construction.	Town of Yountville	During Project design	Ongoing during construction	Conduct geotechnical study and incorporate and implement recommendations
<b><i>Mitigation Measure HYD– 1: Storm Water Pollution Prevention Plan</i></b> The Town shall obtain coverage under SWRCB Order No.	Town of Yountville	Prior to construction	Ongoing during construction	Develop and implement SWPPP.

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. The City shall submit permit registration documents (notice of intent, risk assessment, site maps, SWPPP, annual fee, and certifications) to the State Water Resources Control Board. The SWPPP shall address pollutant sources, non-storm water discharges resulting from construction dewatering, best management practices, and other requirements specified in the Order. The BMPs shall include any measures included in the erosion and sediment control plans developed for the Project to minimize disturbance after grading or construction. The SWPPP shall also include dust control practices to prevent wind erosion, sediment tracking and dust generation by construction equipment. The Town shall ensure that a Qualified SWPPP Practitioner oversees implementation of the SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.				
<p><b>Mitigation Measure HYD– 2: Construction Dewatering</b></p> <p>If construction dewatering is required, the Town shall evaluate reasonable options for dewatering management. The following management options shall be considered:</p> <ul style="list-style-type: none"> <li>• Reuse the water on-site for dust control, compaction, or irrigation.</li> <li>• Retain the water on-site in a grassy or porous area to allow infiltration/evaporation.</li> <li>• Discharge (by permit) to a sanitary sewer or surface water (this option may require a temporary method to filter sediment-laden water prior to discharge).</li> </ul> <p>If discharging to the sanitary sewer, the Town shall issue a one-time discharge permit or other type of approval requiring, as necessary, measures for characterizing the discharge and ensuring filtering methods and monitoring to verify that the discharge is compliant with the Town's local wastewater</p>	Town of Yountville	Prior to construction	Ongoing during construction	Evaluate options for dewatering management and select dewatering method, if discharging to local surface water or storm drain, obtain coverage under General Permit.



## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p>discharge requirements.</p> <p>If discharging to a local surface water or storm drain, the discharge shall be managed as a non-storm water discharge and control measures shall be included in the SWPPP prepared under Order No. 2009-0009-DWQ. The Town shall characterize the groundwater prior to discharge and implement control measures, such as settling and/or filtration to ensure that excessive sediment is not discharged, and manage discharge rates to prevent erosion downstream.</p>				
<p><b><i>Mitigation Measure HYD-3: Frac-Out and Undercrossing Contingency Plan</i></b></p> <p>If drilling mud is needed during construction, the Town shall develop and follow procedures to prevent the mix used during drilling from being discharged into Chase Creek and Hinman Creek when installing pipelines using trenchless construction methods. The plan shall address how the contractor would manage pressures and the volume of lubricant used to prevent frac-out.</p> <p>The plan shall also address procedures to follow in the event a frac-out occurs. Drilling activities shall be visually monitored for any sign of lubricant frac-out and should frac-out occur, the contractor shall complete the following:</p> <ul style="list-style-type: none"> <li>• Stop pumping lubrication.</li> <li>• Locate the point and cause of the frac-out.</li> <li>• Contain the spill to the maximum extent possible.</li> <li>• Clean up the spill to the maximum extent possible.</li> <li>• Wait at least two hours before pumping lubrication near the frac-out point to allow the ground to seal.</li> <li>• Reduce pumping pressure and volume in the area of the frac-out.</li> </ul> <p>Notify all designated authorities that a frac-out occurred, including but not limited to the California Department of Fish</p>	Town of Yountville	Prior to construction	Ongoing during construction	Develop and implement Frac-Out and Undercrossing Contingency Plan

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
and Game.				
<p><b>Mitigation Measure NOI-1: Noise Reduction Measures</b></p> <p>During Project construction, the Town and its contractor(s) shall implement the following measures such that noise from construction does not exceed 70 dBA at noise-sensitive uses during daytime hours.</p> <ul style="list-style-type: none"> <li>• Construction work shall occur between 8 a.m. and 6 p.m. daily for all areas of the Project, and work shall not occur within 400 feet of Saint Joan of Arc Catholic Church during church services.</li> <li>• If noise levels exceed 70 dBA at the Saint Joan of Arc Church during installation of the pipeline under Highway 29, then the contractor shall erect a temporary 12-foot high sound barrier around the sending/receiving pit to reduce the noise levels at the church to adjacent to the Saint Joan of Arc Church and adjacent to the Golf Course. The barrier shall remain in place for the duration of pipeline installation.</li> <li>• Use quietest available equipment and electrically-powered equipment, rather than internal combustion engines where feasible.</li> <li>• Equipment and on-site trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible). All construction equipment shall be inspected at periodic intervals to ensure proper maintenance and resulting lower noise levels.</li> <li>• Impact tools (e.g., jack hammers, pavement breakers) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from</li> </ul>	Town of Yountville	Prior to construction	Ongoing during construction	Hold pre-construction meeting, develop and implement noise reduction measures.

## APPENDIX A –MITIGATION, MONITORING AND REPORTING PLAN

Mitigation Measure	Verify Compliance/ Monitoring Responsibility	Timing of Initial Action	Monitoring Frequency and Duration	Action Items
<p>pneumatically powered tools. An exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA.</p> <ul style="list-style-type: none"> <li>• A preconstruction meeting shall be held between the job inspectors and the contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to commencement of construction (including construction hours, neighborhood notification, etc.).</li> <li>• An on-site complaint and enforcement manager shall be posted to respond to and track any noise complaints. The manager shall be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager shall determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the on-site complaint and enforcement manager shall be posted at the construction site and provided to neighbors in a notification letter. The manager shall be trained to use a sound level meter and should be available during all construction hours to respond to complaints.</li> </ul>				



If project emissions are **below the "de minimis" levels** and less than 10% of the emissions inventory for the non-attainment or maintenance area, then:

- **Further general conformity analysis is not required.**

If project emissions are **above the "de minimis" levels**:

- A conformity determination for the area must be made.

A conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan (SIP) for air quality. Using population projections, applicants must **quantify** their description of how the proposed capacity increase was calculated.

## **NATIONAL HISTORIC PRESERVATION ACT**

Section 106 of the NHPA requires federal agencies to take into account effects on historic properties caused by federal actions (such as funding SRF projects) and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings through consultation with the State Historic Preservation Officer (SHPO) and with interested Indian Tribes and individuals.

\*USEPA has delegated to the State Water Board the responsibility for carrying out the requirements of Section 106 of the NHPA.

### **Historic properties include:**

- Archaeological sites.
- Historic era buildings.
- Traditional cultural properties.

### **Starting point for the 106 process:**

Applicant's record search and cultural resource documents prepared for CEQA.

### **State Water Board's Cultural Resource Officer (CRO) requires:**

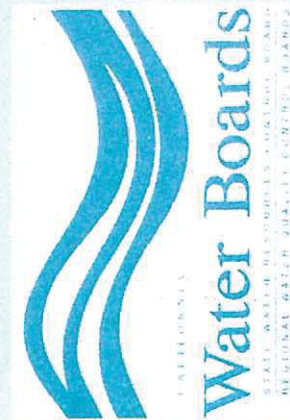
- Copies of all original maps and studies for consultation with SHPO.

If your project has the potential to affect historic properties the consultation process can be quite lengthy. **Please contact the CRO early in your planning process to discuss what additional information may be needed for your specific project.**

### **Environmental Review Process**

**Guidelines for State Revolving Fund Loan Applicants** document provides additional information on the review process and can be found on the State Water Board's web site located at:

<http://www.waterboards.ca.gov/funding/srf.html>



# **SRF & CEQA-PLUS**

## **Environmental Review for State Revolving Fund (SRF) Loan Applicants**



### **- WHAT - WHY - HOW -**

State Water Resources Control Board  
Division of Financial Assistance  
November 2005



## WHAT IS CEQA-PLUS?

The SRF Loan Program is partially funded by the U.S. Environmental Protection Agency (USEPA) and subject to federal environmental regulations, including the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and the General Conformity Rule for the Clean Air Act (CAA), among others. Federal agencies have their own policies on how they comply with federal environmental laws. Instead of the National Environmental Policy Act (NEPA), USEPA has chosen to use the California Environmental Quality Act (CEQA) as the compliance base for California's SRF Loan Program. In addition to compliance with ESA, NHPA and CAA. Collectively, the State Water Board calls these requirements **CEQA-Plus**. Additional federal regulations also may apply.

### Lead Agency: The Applicant

#### Duties:

- Prepare, circulate and consider the environmental documents prior to approving the project.
- Provide the State Water Board with eight (8) copies of the applicant's CEQA documents.

**Responsible Agency:** State Water Board, Division of Financial Assistance

#### Duties:

- Acting on behalf of USEPA, review and consider the CEQA documents before approving the project's funding.

- Make findings as to the adequacy of the documents and require additional studies or documentation, as needed.

- Distribute the applicant's CEQA documents to selected federal agencies for review and comment before making a determination on adequacy. (This distribution is in addition to the standard State Clearinghouse distribution under CEQA.)

**\*The applicant must address all comments by federal agencies before funding is approved.**

## ENDANGERED SPECIES ACT

**Non-federal Representative** (for all wastewater and water reclamation projects in California that involve an SRF loan):  
**State Water Board**

**State Water Board - Environmental Services Staff (ES)** reviews SRF projects to determine potential effects on federally listed species.

#### Applicant Duties:

- At the earliest possible date, provide ES with:
  - Species lists.
  - Biological assessments.
  - Other documents related to project effects on sensitive species.

- Notify ES early during the planning process of any issues regarding sensitive species.

## ES Duties:

- Confer informally with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS), as necessary.
- Evaluate and inform USFWS/NMFS of project impacts to federally listed species.
- Ask USEPA to request formal consultation if ES, in conjunction with USFWS/NMFS, determines that a project will adversely affect a federally listed species.

**\*USEPA will act as the lead agency in the formal consultation process. In response to a formal request from USEPA, USFWS/NMFS may have up to 90 days to prepare a biological opinion. The process can last 135 days or longer.**

## CLEAN AIR ACT

CAA general conformity analysis applies only to projects in areas:

- Not meeting National Ambient Air Quality Standards (NAAQS).
- Subject to a maintenance plan.

An analysis is necessary for each **criteria pollutant below** for which an area is considered as being in nonattainment or maintenance:

- ozone
- sulfur dioxide
- carbon monoxide
- lead
- nitrogen dioxide
- inhalable particulate matter



## Cultural Resources

*Compliance with  
Federal Section 106 of the  
National Historic Preservation Act*

Information Needed from the  
Applicant:

- Current records search with maps showing all sites and surveys drawn in relation to the project area.
- Native American consultation.
- Instructions as to how to get started are found in the CEQA Guidelines, since these two items are basic to any cultural resources review.

## Migratory Bird Treaty Act

Information Needed From the  
Applicant:

- Identification of whether or not the project is within jurisdiction of the Migratory Bird Treaty Act.

## Wild and Scenic Rivers Act

Information Needed from the  
Applicant:

- Identification of whether or not the project will impact any Wild and Scenic Rivers.

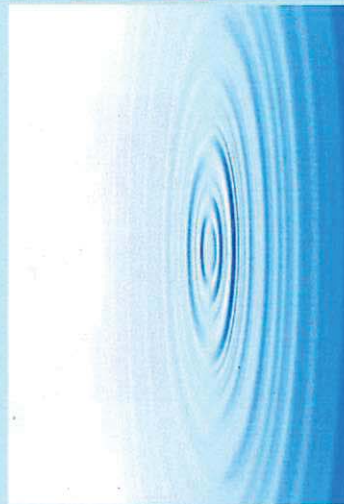
## Other Requirements

Information Needed from the  
Applicant:

- Eight (8) copies of the final CEQA document.
- A date-stamped copy of the Notice of Determination or the Notice of Exemption filed with the Governor's Office of Planning and Research and a receipt of the filing fees paid to the California Department of Fish and Game for Negative Declarations (ND) or Environmental Impact Reports (EIR).
- A copy of the Resolution from the lead agency, approving or certifying the CEQA document and their project. *Note: The CEQA Guidelines uses "approve" or "adopt" for ND and "certify" for EIR.*

## Quick Reference Guide to the California Environmental Quality Act (CEQA)-Plus Requirements for State Revolving Fund Loans

*Guide to Federal Requirements*



State Water Resources Control Board  
Division of Financial Assistance  
January 2008



## Endangered Species

*Compliance with Section 7 of the Endangered Species Act*

Information Needed from the Applicant:

- List of special status species (both animal and plant) likely or possibly to occur at project site. *Note: If none will possibly occur, provide supporting information.*
- Any biological assessments or special biological studies that may have been done for the project.
- Other documents that disclose information about the project's effect on sensitive species.



## Protection of Wetlands

Information Needed from the Applicant:

- Identification of whether or not the project or construction activities will impact streams, flood control channels, or wetlands.

## Air Quality

*Compliance with the Federal Air Quality Act*

Information Needed from the Applicant:

- Air quality studies that may have been done for the project.
- For those projects in non-attainment areas or attainment areas subject to maintenance plans:
  - Emission data for each criteria pollutant for which the area has been designated non-attainment or maintenance; and
  - Summary of the emissions that are expected from both the construction and operation of the project for each criteria pollutant in a non-attainment or maintenance area.
- If emissions are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality:
  - Quantitatively indicate how the proposed capacity increase was calculated using population projections.

## Floodplain Management

Information Needed from the Applicant:

- Identification of whether or not the project is in a Flood Management Zone and a copy of the Federal Emergency Management Agency flood zone maps for the project area.

## Farmland Protection Policy Act

Information Needed from the Applicant:

- Identification of whether or not the proposed project will impact any important farmland or land under Williamson Act control.

## Coastal Zone Management Act

Information Needed from the Applicant:

- Identification of whether or not the proposed project is in the Coastal Zone.



CLEAN WATER STATE REVOLVING FUND PROGRAM  
INSTRUCTIONS AND GUIDANCE FOR  
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Appendix B  
Comment Letter #2,  
Attachment #3

Introduction:

The State Water Resources Control Board (State Water Board) uses the California Environmental Quality Act (CEQA) review process and compliance with federal environmental laws and regulations to satisfy the environmental requirements of the Clean Water State Revolving Fund (CWSRF) Program Operating Agreement between the United States Environmental Protection Agency (USEPA) and the State Water Board. The CWSRF Program is partially funded by a capitalization grant from the USEPA. The issuance of funds from the CWSRF Program is equivalent to a federal action, and thus, compliance with federal environmental laws and regulations is required for projects being funded under the CWSRF Program.

All CWSRF Program applicants must submit adequate and complete environmental documentation to the State Water Board. Following submittal of an applicant's environmental documents, the State Water Board will review the documents to determine if the information is sufficient to document compliance with the CWSRF Program environmental requirements, including making a determination if consultation with federal authorities is required, and may request additional environmental information, when needed. The State Water Board encourages all applicants to initiate early consultation, so that the State Water Board can better streamline the environmental review process.

CEQA Information:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because of the State Water Board's discretionary decision to approve funding.

Detailed information, including CEQA statutes and guidelines can be found online at the California Natural Resources Agency website at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at [http://ceres.ca.gov/topic/env\\_law/ceqa/flowchart/index.html](http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html). In addition, State Water Board environmental staff is available to answer questions about the CEQA process, as well as the CWSRF Program environmental requirements. Please contact your assigned Project Manager at the State Water Board, regarding contact information for the appropriate environmental staff.

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board.

The types of CEQA documents that may apply to an applicant's project include one or a combination of the following: 1) Notice of Exemption (NOE); 2) Initial Study and Negative Declaration (ND); 3) Initial Study and Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP); 4) Environmental Impact Report (EIR) with an MMRP; and/or 5) Addendum, Supplemental and Subsequent ND, MND or EIR. The applicant must determine the appropriate document for its project and submit the supporting information listed under the applicable section of the Environmental Package Checklist for Applicant (Attachment 1), along with a completed copy of the Evaluation Form for Environmental Review and Federal Coordination (Attachment 2). Please submit two copies of all CEQA documents.



The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Program or Master Plan EIRs may not be suitable for satisfying the State Water Board environmental requirements if these documents are not project-specific. When an applicant uses an Addendum, Supplemental or Subsequent CEQA document for a project, the associated Program or Master Plan EIR must also be submitted, especially if the Addendum, Supplemental or Subsequent CEQA document includes references to pertinent environmental and mitigation information contained in the Program or Master Plan EIR.

If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated environmental document (such as an Addendum, Supplemental or Subsequent CEQA document) based on the results of that re-evaluation. The updated environmental document must be circulated through the State Clearinghouse for public review. The applicant must adopt the final updated environmental document, including any new identified measures, make CEQA findings, and file a Notice of Determination (NOD) with the local county clerk(s) and the Governor's Office of Planning and Research, State Clearinghouse (State Clearinghouse).

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations shall only be responsible for approving and ensuring implementation of the applicable project mitigation measures identified in the MMRP. All public agencies applying for CWSRF Program funding shall file either an NOE or an NOD with the State Clearinghouse and the local county clerk(s). Date stamped copies of those notices must be submitted with all the applicable environmental documents.

If the CEQA document was jointly prepared by a federal public governmental agency to satisfy the National Environmental Policy Act (NEPA) requirements, then the applicant must submit the corresponding NEPA documents, including a Finding of No Significant Impact, or a Record of Decision completed by the federal NEPA lead agency.

#### Federal Information:

In addition to CEQA compliance, the State Water Board is required to document environmental compliance with federal environmental laws and regulations, including:

##### 1. Federal Endangered Species Act (ESA), Section 7:

The United States Department of the Interior, Fish and Wildlife Service (USFWS) and the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) must be consulted for any project that will have the potential to adversely impact a federal special-status species. The USEPA delegated the State Water Board to act as the non-federal lead for initiating informal Section 7 ESA consultation with the USFWS. The State Water Board will coordinate with the USEPA for projects requiring formal Section 7 ESA consultation with the USFWS and projects that will impact federal special-status fish species under the NMFS jurisdiction. The USFWS and NMFS must provide written concurrence prior to a CWSRF financing agreement. USFWS and NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance.

For further information on the federal ESA law, regulation, policy, and notices, go to <http://www.fws.gov/endangered/policy/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both the state and federal ESAs is required of projects having the potential to impact state and federal special-status species. Although overlap exists between the state and federal ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, refer to the California Department of Fish and Game website at <http://www.dfg.ca.gov/habcon/cesa/>.

## 2. Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat (EFH):

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, is designed to manage and conserve national fishery resources. EFH consultations are only required for actions that may adversely effect EFH. The applicant needs to determine whether the proposed project may adversely affect EFH. NMFS is responsible for publishing maps and other information on the locations of designated EFH, and can provide information on ways to promote conservation of EFHs to facilitate this assessment. If a project may adversely affect a designated EFH, the applicant must complete an EFH consultation.

The State Water Board will coordinate with the USEPA to request an EFH consultation from the NMFS. NMFS is required to respond informally or in writing. NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance. For more information, see the brochure at [http://www.nmfs.noaa.gov/sfa/reg\\_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH\\_CH\\_Handout\\_Final\\_3107.pdf](http://www.nmfs.noaa.gov/sfa/reg_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH_CH_Handout_Final_3107.pdf).

## 3. National Historic Preservation Act (NHPA), Section 106:

The NHPA focuses on federal compliance. Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)).

In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources Information System Center. Also, to contact the Native American tribes that are culturally affiliated with a project area from the list obtained from the Native American Heritage Commission (NAHC).

The NAHC can be contacted at:

915 Capitol Mall, Room 364  
Sacramento, CA 95814  
Tele: (916) 653-4082

## 4. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its local air quality management district and review the Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the State Water Board environmental staff through the assigned Project Manager.



#### 5. Coastal Zone Management Act:

Projects proposing construction in the Coastal Zone will require consultation with either the California Coastal Commission (or the designated local agency with a Local Coastal Program), or the San Francisco Bay Conservation and Development Commission (for projects located in the San Francisco Bay area). The applicant must submit a copy of the approved Coastal Development permit to the State Water Board to satisfy this requirement.

For more information on Coastal Zone Management Act requirements refer to the following agencies websites:

- United States Coastal Zone Boundaries through the NMFS website at <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>;
- California Coastal Commission website at <http://www.coastal.ca.gov/ccatc.html>; and/or
- San Francisco Bay Conservation and Development Commission website at <http://www.bcdc.ca.gov/>.

#### 6. Coastal Barriers Resources Act:

The Coastal Barriers Resources Act is intended to discourage development in the Coastal Barrier Resources System and adjacent wetlands, marshes, estuaries, inlets, and near-shore waters. Since there is no designated Coastal Barrier Resources System in California, no impacts from California projects are expected. However, should the applicant believe there may be impacts to the Coastal Barrier Resources System due to special circumstances, please use the following information as a guide.

During the planning process, the applicant should consult with the appropriate Coastal Zone management agency (e.g., City or County with an approved Local Coastal Program, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission) to determine if the project will have an effect on the Coastal Barrier Resources System. If the project will have an effect on the Coastal Barrier Resources System, the State Water Board must consult with the appropriate Coastal Zone management agency and the USFWS. Any recommendations from the Coastal Zone management agency and USFWS will be incorporated into the project's design prior to approval of CWSRF financing.

For more information and to ensure that no modifications to Coastal Barrier Resources System have occurred, please visit: [http://www.fws.gov/habitatconservation/coastal\\_barrier.html](http://www.fws.gov/habitatconservation/coastal_barrier.html).

#### 7. Farmland Protection Policy Act:

Projects involving impacts to farmland designated as prime and unique, local and statewide importance, or under a Williamson Act Contract, will require consultation with the United States Department of Agriculture, Natural Resources Conservation Service and/or California Department of Conservation. For more information on the Farmland Protection Policy Act go to <http://www.nrcs.usda.gov/programs/fppa>, and regarding the Williamson Act Contact go to <http://www.consrv.ca.gov/dlrp/lca>.

#### 8. Floodplain Management – Executive Order 11988:

Each agency shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a designated floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency determines or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains.

For further information regarding Floodplain Management requirements, please consult the United States Department of Homeland Security, Federal Emergency Management Agency website at <http://www.fema.gov>, as well as the USEPA floodplain management Executive Order 11988 at <http://www.epa.gov/owow/wetlands/regs/eo11988.html>.

#### 9. Migratory Bird Treaty Act (MBTA):

The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The MBTA, along with subsequent amendments to this act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed under CEQA. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the Migratory Bird Program through the USFWS website at <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

#### 10. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process through the United States Army Corps of Engineers (USACE) can be lengthy, and may ultimately require project alterations to avoid wetlands and waters of the United States. Applicants must consult with the USACE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACE Wetland Delineation Manual is available at <http://www.wetlands.com/regs/tlpge02e.htm>. Also note that the California State Water Boards are involved in providing approvals through the Clean Water Act Section 401 Water Quality Certification Program and/or Waste Discharge Requirements. For more information, please go to [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

#### 11. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or in a designated "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at <http://www.rivers.gov/wildriverslist.html>. Watershed information can be obtained through the "Watershed Browser" at [http://cwp.resources.ca.gov/map\\_tools.php](http://cwp.resources.ca.gov/map_tools.php).

#### 12. Safe Drinking Water Act, Source Water Protection:

Projects must comply with the Safe Drinking Water Act and document whether or not a project has the potential to contaminate a sole source aquifer. For projects impacting a listed sole source aquifer, the applicant must identify an alternative project location, or develop adequate mitigating measures in consultation with the USEPA. For more information, please go to the Sole Source Aquifer Program website at <http://epa.gov/region09/water/groundwater/ssa.html>.

### 13. Environmental Justice – Executive Order No. 12898:

Identify and address any disproportionately high and adverse human health or environmental effects of the project's activities on minority and low-income populations. USEPA has defined environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

*Fair Treatment* means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative consequences of industrial, governmental, and commercial operations or programs and policies.

*Meaningful Involvement* means that: 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; 2) the public's contribution can influence the agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.

The term "environmental justice concern" is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Your project may involve an "environmental justice concern" if the project could:

- a) Create new disproportionate impacts on minority, low-income, or indigenous populations;
- b) Exacerbate existing disproportionate impacts on minority, low-income, or indigenous populations;  
or
- c) Present opportunities to address existing disproportionate impacts on minority, low-income, or indigenous populations that are addressable through the project.



# ENVIRONMENTAL<sup>1</sup> PACKAGE CHECKLIST

## FOR APPLICANT

### (What to Submit to Project Manager)

**Required for all CWSRF Projects:**

- ☐ Evaluation Form for Environmental Review and Federal Coordination with the substantiating information (i.e. USFWS species list/biological assessment, cultural resources documentation, air quality data, flood map etc.)
- ☐ Project Report, Scope of Work and Map(s)

Based on the type of CEQA documents prepared for the project, provide additional information as identified in the following boxes.

If project is covered under a CEQA Categorical or Statutory Exemption, submit a copy of the following:

- ☐ Notice of Exemption (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a Negative Declaration, submit a copy of the following:

- ☐ Draft and Final Initial Study/Negative Declaration (IS/ND)
  - ☐ Comments and Responses to the Draft IS/ND
- ☐ Resolution approving the CEQA documents
  - ☐ Adopting the Negative Declaration
  - ☐ Making CEQA Findings
- ☐ Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a Mitigated Negative Declaration, submit a copy of the following:

- ☐ Draft and Final Initial Study/Mitigated Negative Declaration (IS/MND)
  - ☐ Comments and Responses to the Draft IS/MND
  - ☐ Mitigation Monitoring and Reporting Plan/Program (MMRP)
- ☐ Resolution approving the CEQA documents
  - ☐ Adopting the Mitigated Negative Declaration and the MMRP
  - ☐ Making CEQA Findings
- ☐ Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under an Environmental Impact Report (EIR), submit a copy of the following:

- ☐ Draft and Final EIR
  - ☐ Comments and Responses to the Draft EIR
  - ☐ Mitigation Monitoring and Reporting Plan/Program (MMRP)
- ☐ Resolution approving the CEQA documents
  - ☐ Certifying the EIR and adopting the MMRP
  - ☐ Making CEQA Findings
  - ☐ Adopting a Statement of Overriding Considerations for any adverse environmental impact(s), if applicable
- ☐ Notice of Determination (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or the Finding of No Significant Impact.

<sup>1</sup> If the CEQA document is more than five years old applicant shall provide an updated CEQA document (eg. subsequent, supplemental, or addendum CEQA documents) or a letter that describes the current status of the environmental condition for the project's location.

State Water Resources Control Board (State Water Board)  
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

CWSRF No.: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Date: \_\_\_\_\_

Project Title: \_\_\_\_\_

1. **Federal Endangered Species Act (ESA), Section 7:**

Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species or their critical habitat that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

- a. Required documents: Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and an up-to-date species list (from the United States Fish and Wildlife Service and the California Natural Diversity Database) for the project area.

☐ No. Discuss why the project will not impact any federally listed special status species:

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☐ Yes. Provide information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred for the project. Include any comments below:

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2. **Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat:**  
Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may adversely affect essential fish habitat?

☐ No. Discuss why the project will not impact essential fish habitat:

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☐ Yes. Provide information on essential fish habitat that could potentially be affected by this project and any proposed avoidance and compensation measures. Document any consultations with the National Marine Fisheries Service that may have occurred for the project. Include any comments below:

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3. **National Historic Preservation Act, Section 106:**

Identify the area of potential effects (APE), including construction, staging areas, and depth of any excavation. (Note: the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations).

- **Required documents: Cultural Resources Assessment** prepared by a prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)). **Current records search** with maps showing all sites and surveys drawn in relation to the project area, and records of **Native American consultation**. Include any comments below:

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**4. Federal Clean Air Act:****Identify Air Basin Name** \_\_\_\_\_**Name of the Local Air District for Project Area:** \_\_\_\_\_**Is the project subject to a State Implementation Plan (SIP) conformity determination?**☐ No. The project is in an attainment or unclassified area for all federal criteria pollutants.

☐ Yes. The project is in a nonattainment area or attainment area subject to maintenance plans for a federal criteria pollutant. Include information to indicate the nonattainment designation (e.g. moderate, serious, severe, or extreme), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

- If you checked "Yes" above, provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.
- Also, attach any air quality studies that may have been done for the project.

Pollutant	Federal Status (Attainment, Nonattainment, Maintenance, or Unclassified)	Nonattainment Rates (i.e., moderate, serious, severe, or extreme)	Threshold of Significance for Project Air Basin (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Ozone (O <sub>3</sub> )					
Carbon Monoxide (CO)					
Oxides of Nitrogen (NO <sub>x</sub> )					
Reactive Organic Gases (ROG)					
Volatile Organic Compounds (VOC)					
Lead (Pb)					
Particulate Matter less than 2.5 microns in diameter (PM <sub>2.5</sub> )					
Particulate Matter less than 10 microns in diameter (PM <sub>10</sub> )					
Sulfur Dioxide (SO <sub>2</sub> )					

**5. Coastal Zone Management Act:****Is any portion of the project site located within the coastal zone?**☐ No. The project is not within the coastal zone.

☐ Yes. Describe the project location with respect to coastal areas and the status of the coastal zone permit, and provide a copy of the coastal zone permit or coastal exemption:

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**6. Coastal Barriers Resources Act:**

Will the project impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters? Note that since there is currently no Coastal Barrier Resources System in California, projects located in California are not expected to impact the Coastal Barrier Resources System in other states. If there is a special circumstance in which the project may impact a Coastal Barrier Resource System, indicate your reasoning below.

☐ No. The project will not impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters.

☐ Yes. Describe the project location with respect to the Coastal Barrier Resources System, and the status of any consultation with the appropriate Coastal Zone management agency and the United States Fish and Wildlife Service:

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**7. Farmland Protection Policy Act:**

Is any portion of the project located on important farmland?

☐ No. The project will not impact farmland.

☐ Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project boundaries is under a Williamson Act Contract and specify the amount of acreage affected:

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**8. Flood Plain Management:**

Is any portion of the project located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

- Required documents: Attach a floodplain map.

☐ No. Provide a description of the project location with respect to streams and potential floodplains:

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☐ Yes. Describe the floodplain, and include a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would be implemented to minimize or avoid project impacts:

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9. **Migratory Bird Treaty Act:**

**Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?**

☐ No. Provide an explanation below.

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☐ Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

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10. **Protection of Wetlands:**

**Does any portion of the project boundaries contain areas that should be evaluated for wetland delineation or require a permit from the United States Army Corps of Engineers?**

☐ No. Provide the basis for such a determination:

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☐ Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

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11. **Wild and Scenic Rivers Act:**

**Identify watershed where the project is located:** \_\_\_\_\_

**Is any portion of the project located within a wild and scenic river?**

☐ No. The project is not located near a wild and scenic river.

☐ Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

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12. **Safe Drinking Water Act, Sole Source Aquifer Protection:**

**Is the project located in an area designated by the United States Environmental Protection Agency, Region 9, as a Sole Source Aquifer?**

☐ No. The project is not within the boundaries of a sole source aquifer.

☐ Yes. Contact USEPA, Region 9 staff to consult, and identify the sole source aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer) that will be impacted:

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13. **Environmental Justice:**

**Does the project involve an activity that is likely to be of particular interest to or have particular impact upon minority, low-income, or indigenous populations, or tribes?**

☐ No. Selecting "No" means that this action is not likely to be of any particular interest to or have an impact on these populations or tribes. Explain.

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☐ Yes. If you answer yes, please check at least one of the boxes and provide a brief explanation below:

☐ The project is likely to impact the health of these populations.

☐ The project is likely to impact the environmental conditions of these populations.

☐ The project is likely to present an opportunity to address an existing disproportionate impact of these populations.

☐ The project is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions of these populations.

☐ The project is likely to affect the availability of information to these populations.

☐ Other reasons, describe: \_\_\_\_\_

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## BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

### FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

#### CULTURAL RESOURCES REPORTS

The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)).

#### REPORT TERMINOLOGY

- A cultural resources report used for Section 106 consultation should use terminology consistent with the NHPA.
- This doesn't mean that the report needs to "filled" with passages and interpretations of the regulations, the SHPO reviewer already knows the law.
- If "findings" are made they must be one of the four "findings" listed in Section 106. These include:
  - "No historic properties affected" (no properties are within the APE, including the below ground APE).
  - "No effect to historic properties" (properties may be near the APE but the project will not impact them).
  - "No adverse effect to historic properties" (the project may affect historic properties but the impacts will not be adverse)
  - "Adverse effect to historic properties". *Note: the SHPO must be consulted at this point. If your consultant proceeds on his own, his efforts may be wasted.*

#### CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.
- The APE is three-dimensional and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any project excavations.
- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.



## NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.
- A project description and map should be sent to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps should be sent to everyone on the list asking for information on the project area.
- Similar letters should be sent to local historical organizations.
- Follow-up contact should be made by phone if possible and a phone log should be included in the report.

## WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of “**no known resources**”, this doesn’t mean anything. The consultant’s job is to find out if there are resources within the APE or to explain why they are not present.
- “**The area is sensitive for buried archaeological resources**”, followed by a statement that “**monitoring is recommended as mitigation**”. Monitoring is not an acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.
- “**The area is already disturbed by previous construction**”, this may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.
- No mention of “**Section 106**”, a report that gives adequate information for CEQA may not be sufficient to comply with Section 106.

S:\Funding Programs\Environmental Review Unit\Outreach\BASIC CRITERIA FOR SECTION 106 revised June 13 2012 by md.doc