

## State Water Resources Control Board

Governor's Office of Planning & Research

MAR 06 2020

STATE CLEARINGHOUSE

Josh Greetan  
Sacramento County  
827 7<sup>th</sup> Street Suite 225  
Sacramento, CA 95814

Dear Mr. Greetan:

IS-MND FOR SACRAMENTO COUNTY; LINDA MANOR SEPTIC TO SEWER  
CONVERSION PROJECT (PROJECT); STATE CLEARINGHOUSE NO. 2020029084

We understand that the County is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-8455-110). 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 on the Initial Study- Mitigated Negative Declaration (IS-MND) to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program (Program). The primary purpose for the Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater infrastructure necessary to prevent water pollution, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Two enclosures are included that illustrate the Program environmental review process including the additional CEQA-Plus federal requirements. For the complete environmental application package and instructions please visit:

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

. 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 the State Water Board's approval of a CWSRF financing commitment for your proposed Project. For further information on the Program, please contact Mr. Brian Cary, at (916) 449-5624.

It is important to note that prior to a CWSRF financing commitment, projects subject to provisions of the Federal Endangered Species Act (ESA), must obtain ESA, Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

(USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) specific to any potential effects to special-status species.

Please be advised that the State Water Board will coordinate with the USEPA to consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to affect if the Project is to be financed by the Program. The County 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 in the Project 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 (Section 106). The State Water Board is responsible for ensuring compliance with Section 106 and is required to consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated once sufficient information is provided by the CWSRF applicant. If the County decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

Note that the County 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. The records search request should extend to a ½-mile beyond project 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 environmental requirements pertinent to the Project under the Program include the following (for a complete list of all federal requirements and instructions please visit [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml))

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (i.e. Environmental Impact Report) or in a separate report (i.e. for projects utilizing a Negative Declaration or Mitigated Negative Declaration).
- B. A public hearing or meeting for adoption/certification of all CEQA documents except for those with little or no environmental impacts.

- C. 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.
- D. Compliance with the Coastal Zone Management Act: Identify whether or not the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- E. 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.
- F. Compliance with the Farmland Protection Policy Act: Identify whether or not the Project will result in the conversion of farmland. Identify the status of farmland (prime, unique, local or statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- G. 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.
- H. 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.
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the County's draft IS-MND:

- 1. Page IS-2 states that "construction methods may include open trench and/or directional drilling." Please specify which areas will use which method.
- 2. Under "Project Impacts" on page IS-12, the document states that "Construction would include a new 8-inch gravity sewer collector or a 12-inch low-pressure sewer collector." The 12-inch low-pressure sewer collector is not mentioned in the project description. Please either include this component in the project description or remove this detail from the project impacts.

3. Page IS-19 describes potential water quality impacts. "After construction is complete, various other pollutants generated by site use can also be washed into local waterways. These pollutants include; but are not limited to: vehicle fluids, heavy metals deposited by vehicles, and pesticides or fertilizers used in landscaping." Vehicle fluids and heavy metals can be categorized as hazardous materials. Please address the presence of these pollutants in the "Hazards and Hazardous Materials" section on page IS-60 and reevaluate the significance of impacts accordingly. Please also remove the semicolon from the sentence.
4. On page IS-23, the document states "County aerial imagery from several different years show saturated areas, which may be classified as jurisdictional waters, on two of properties identified for potential staging." Please identify which staging areas could contain jurisdictional waters. Please also remove the word "of."
5. Page IS-23 also states, "If aquatic features are identified on-site, appropriate buffers will be established, construction related BMPs will be implemented, and compliance with state and federal regulations will be adhered to." Please state what BMPs related to aquatic features will be implemented, and specify if these BMPs originate from city-wide plans, county regulations, or NPDES requirements.
6. When discussing potential impacts for special status species on page IS-29, the document states "Areas identified as potential staging were not surveyed, as access had not been granted by private property owners." Please explain how and when access will be granted to the potential staging areas, as this will affect the timeline of the project.
7. Continuing the quote from comment 6, "These staging areas may contain seasonal wetlands that could provide suitable habitat. If seasonal wetlands are identified within staging areas or adjacent to the project site which could result in take of any special-status species, rare plant surveys shall be conducted prior to construction." To identify the wetlands, a wetland delineation will need to be done at the staging areas. Please include the wetland delineation and rare plant survey as mitigation measures, as the special status species section concludes with "Compliance with the recommended mitigation measure for surveys will ensure that potential impacts to special-status plant species are less than significant."
8. Mitigation Measure A states "The applicant will be required to conduct an aquatic resources delineation." Please specify when this survey will be conducted and the qualifications of the surveyor.
9. Mitigation Measure B states that a migratory bird survey will commence if construction activity is within 50 feet of nesting habitat. This buffer is too small and is inconsistent with the other mitigation measures related to protected birds. Please change the buffer to 500 feet to be consistent with Mitigation Measures D and E.

10. Please include a minimum non-disturbance buffer size for Mitigation Measure B (3), which should have been recommended in the biological survey.
11. Please clarify which species are being addressed as “vernal pool crustaceans” in Mitigation Measure C.
12. Mitigation Measure C states, “In order to reduce impacts to listed vernal pool branchiopods and wetland habitat the applicant shall comply with one or a combination of the following [actions].” Because the two actions listed are so dissimilar, please include an explanation of the process in choosing which action, or how the two actions would both be used.
13. Mitigation Measure C utilizes the “Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods” (published April 19, 1996). The USFWS has published the “Survey Guidelines of the Listed Large Branchiopods” on May 31, 2015, which addresses both the *Lepidurus packardi* and *Branchinecta lynchi*.
14. Please define the term “survey periods” used in Mitigation Measure F.
15. The document identifies nesting bird season as February 1- August 31 and as March 1 through September 15. Please keep the months of nesting bird season consistent throughout the IS-MND.
16. Under Section 11: Geology and Soils (f) on page IS-58, the row did not have a checked box for possible impact.
17. When mitigation measures are established, this implies that the potential impact is “Less Than Significant with Mitigation,” rather than “Less Than Significant.” Because Biological Resources and Cultural Resources have mitigation measures, please edit the discussions and Initial Study Checklist to reflect the “less than significant with mitigation” impact.
18. Mitigation is also mentioned in the following sections: Water Quality (page IS-25), Air Quality (page IS-54), and Geology and Soils (page IS-57). However, no mitigation measures are listed for these sections. Please either include the mitigation measures or rephrase to establish that minimization or avoidance measures will be established, and that the impact is less than significant.
19. Please include a copy of the Mitigation Monitoring and Reporting Program to help further establish which sections have mitigation measures.

Please upload to FFAST the following documents applicable to the proposed Project following the County’s CEQA process: (1) one copy of the draft and final IS-MND, (2) the resolution adopting the IS-MND and making CEQA findings, (3) all comments received during the review period and the County’s response to those comments, (4)

the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the Sacramento 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.

Thank you for the opportunity to review the County's draft IS-MND. If you have any questions or concerns, please feel free to contact me at (916)-341-5879, or by email at [Kristen.Way@waterboards.ca.gov](mailto:Kristen.Way@waterboards.ca.gov) or contact Brian Cary at (916) 449-5624, or by email at [Brian.Cary@waterboards.ca.gov](mailto:Brian.Cary@waterboards.ca.gov).

Sincerely,



Kristen Way  
Environmental Scientist

Enclosures (2):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Clean Water State Revolving Fund Below-Market Financing for Wastewater & Water Quality

cc: State Clearinghouse  
(Re: SCH# 2020029084)  
P.O. Box 3044  
Sacramento, CA 95812-3044

bcc: Brian Cary, Division of Financial Assistance  
Kristen Way, Division of Financial Assistance



# STATE WATER RESOURCES CONTROL BOARD, DIVISION OF FINANCIAL ASSISTANCE

## California Environmental Quality Act Requirements

The State Water Resources Control Board (State Water Board) Division of Financial Assistance (DFA) funds wastewater, recycled water, and drinking water infrastructure projects as well as water quality improvement projects using resources from various state grant programs. All applicants seeking grant funds must comply with the California Environmental Quality Act (CEQA) and provide appropriate documents to the State Water Board so that it can fulfill its CEQA responsibilities.

### **LEAD AGENCY**

The applicant is usually the **Lead Agency** and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project. In this situation, the State Water Board may serve as Lead Agency.

### **RESPONSIBLE AGENCY**

Typically, the State Water Board is a **Responsible Agency**. As a Responsible Agency, the State Water Board must make its own findings using information provided by the Lead Agency before funding a project.

### **STATE WATER BOARD RESPONSIBILITIES**

The State Water Board's mission is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations as a Responsible Agency under CEQA, the State Water Board must consider the Lead Agency's environmental document before funding a project.

### **ENVIRONMENTAL REVIEW**

The State Water Board's environmental review process must be completed before the State Water Board can approve a project for funding and the project can begin construction.

### **DOCUMENT REVIEW**

The State Water Board would like to review CEQA documents as early as possible. Applicants are encouraged to consult with agency staff during development of CEQA documents if considering applying for funding from DFA. Potential applicants should consider sending their environmental documents to DFA, Environmental Section during the CEQA public review period. This way, any environmental concerns the State Water Board has about the project can be addressed early in the process.

### **REQUIRED DOCUMENTS**

The Environmental Section within DFA requires the documents listed below to complete the environmental review:

- 1. Draft and Final Environmental Documents** – Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, Notice of Exemptions, as appropriate for the project;
- 2. All comments** – that were received during the public review period and the Lead Agency's responses to those comments;
- 3. Adopted Mitigation Monitoring and Reporting Plan** – this is separate from, and in addition to, the identification of mitigation measures in the CEQA document;

**4. Resolution/Minutes** – these document that the applicant adopted or certified the CEQA document, made CEQA findings, and approved the project;

**5. Date-stamped copy of the Notice of Determination or Notice of Exemption** – these result after filing of the document with the County Clerk and the Governor's Office of Planning and Research; and

**6. Completed Environmental Package** – this is a component of the Funding Application.

Once the State Water Board receives all the required documents and determines them to be adequate to make its own findings, the environmental review for the funding application will be completed.

### **CONTACT INFORMATION**

For more information about the State Water Board's environmental review process, please visit our website: [https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/environmental\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/environmental_requirements.html)





# FEDERAL CROSS-CUTTING AUTHORITIES THAT USUALLY REQUIRE ADDITIONAL STUDIES

## KEY PROCEDURAL REQUIREMENTS

### Clean Air Act (CAA)

CAA requires federally funded projects to meet the General Conformity requirements and applies in areas where National Ambient Air Quality Standards are not met or in areas that are subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels, then a General Conformity determination is not required.

If project emissions are above the federal "de minimis" levels, then a General Conformity determination must be made.

An air quality modeling analysis may be needed regardless of the attainment status for the following constituents:

- Ozone;
- Carbon monoxide;
- Nitrous oxide;
- Sulfur dioxide;
- Lead; and
- Particulate matter (PM2.5 and PM10).

Commonly, applicants use the California Emissions Estimator Model (CalEEMod) to approximate project related emissions. This model can be downloaded from [www.caleemod.com](http://www.caleemod.com). A user's guide and Frequently Asked Questions document are available at this site as well. Applicants also may want to discuss project impacts with the local air district.

### Endangered Species Act (ESA)

ESA, Section 7, requires an assessment of the direct and indirect effects of the project on federally listed species and critical habitat. A biological resources assessment report is required and must include, but is not limited to:

- Recent species and critical habitat lists generated from the US Fish and Wildlife Service's Information for Planning and Consultation online database;
- A recent species list from the National Marine Fisheries Service, if appropriate;
- A recent search of the California Department of Fish and Wildlife's Natural Diversity Database, including appropriate species observation information and maps;
- A field survey performed by a qualified biologist;
- An evaluation (usually presented in table form) of the project's potential to affect federally listed species;
- Special surveys, as appropriate;
- Maps delineating the project area and species occurrence;
- Identification of measures to minimize, and/or avoid impacts; and
- A recommendation on an ESA determination (i.e., "no effect," "may affect, but not likely to adversely affect," or "may affect and is likely to adversely affect").

The State Water Board staff will conduct an independent review of these materials to determine the potential effect of the project on the federally listed species and will make a recommendation to USEPA on how to proceed under ESA, Section 7.

### National Historic Preservation Act (NHPA)

NHPA, Section 106, requires an analysis of the effects of the project (or undertaking) on "historic properties." Historic properties (i.e., prehistoric or historic districts, sites, buildings, structures, or objects 50 years or older) are properties that are included in or eligible for inclusion in the National Register of Historic Places. A historic properties identification report (HPIR) must be prepared in accordance with Section 106 requirements by a qualified professional meeting the Secretary of the Interior's Standards in archaeology or history.

Specific requirements of the HPIR include, but are not limited to:

- The project description and a clearly defined area of potential effects (APE), specifying length, width, and depth of excavation, with a labeled map;
- A recent Information Center records search extending to half-mile beyond the project APE;
- Background research (e.g., old USGS maps, ethnographic records, historical records, etc.);
- Documentation of outreach to the Native American Heritage Commission, appropriate Tribes, historical societies, and interested parties;
- Detailed description of survey methods and findings; and
- Identification and evaluation of cultural resources within the APE.

Cultural resources reports prepared for CEQA may be used, but often require more information.

### Environmental Alternatives Analysis

SRF regulations require that an explanation of the alternatives considered for the project and the rationale for selection of the chosen project alternative be prepared and that it assess the environmental impacts of each alternative. Known as the environmental alternative analysis, this information can be included in the project engineering report, the CEQA document, or a technical memorandum. The environmental alternative analysis must include the following:

- Range of feasible alternatives, including a "no project/no action" alternative;
- Comparative analysis among the alternatives that discusses direct, indirect, and cumulative, beneficial and adverse environmental impacts on the existing and future environment, as well as sensitive environmental issues; and
- Appropriate mitigation measures to address impacts.

### Public Participation

SRF regulations also require adequate opportunity for the public, responsible agencies, and trustee state agencies under CEQA to review and comment on the project. All projects, except those with little to no environmental impacts (namely, CEQA exempt projects), must hold a public hearing or meeting to approve the CEQA document(s). The CEQA process includes public noticing opportunities, but other public meetings may be needed to meet the federal requirements. The applicant will be asked to provide the date(s) of when such meeting(s) were held for the project as part of the environmental review.



## ENVIRONMENTAL REVIEW REQUIREMENTS

All applicants for SRF financing must thoroughly analyze the environmental consequences of their project. Applicants must comply with the California Environmental Quality Act (CEQA) and federal cross-cutting authorities as part of the SRF environmental review requirements. All SRF environmental requirements must be met prior to the start of construction activities.

### CEQA

The environmental review process used to determine compliance with appropriate state and federal environmental regulations begins with successful completion of CEQA.

Typically, the applicant is the CEQA Lead Agency and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional, or state government may serve as the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project. In these instances, the State Water Board may serve as Lead Agency on behalf of the applicant.

Usually, the State Water Board is a CEQA Responsible Agency, making its own independent findings using information submitted by the Lead Agency prior to approving funding for a project.

The applicant must provide the final, project-specific environmental document, associated reports, and other supporting materials demonstrating compliance with CEQA as part of the application's Environmental Package.

## FEDERAL CROSS-CUTTING AUTHORITIES

In addition to completing CEQA, the applicant must conduct the necessary studies and analyses and prepare documentation demonstrating that the proposed project is in compliance with the federal cross-cutting environmental authorities. As the USEPA designated, "non-federal" state agency representative responsible for consultation with appropriate federal agencies, the State Water Board staff will review materials for compliance with relevant cross-cutters. Staff may require additional studies or documentation to fulfill this obligation. The principal federal authorities that need addressing in the application are:

- Archaeological & Historic Preservation Act
- Clean Air Act
- Coastal Barriers Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice Executive Order
- Farmland Protection Policy Act
- Fish & Wildlife Conservation Act
- Flood Plain Management
- Magnuson-Stevens Fishery Conservation & Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Rivers & Harbors Act
- Safe Drinking Water Act, Sole Source Aquifer Protection
- Wild & Scenic Rivers Act

Material in this brochure highlights key SRF environmental requirements

## OUR SRF PROGRAMS

The State Water Resources Control Board (State Water Board) administers the Clean Water and Drinking Water State Revolving Fund (SRF) Programs to support a wide range of infrastructure projects. The SRF Programs represent a powerful partnership between the State and the United States Environmental Protection Agency (USEPA), who provides partial Program funding. The applicant will need to complete the Environmental Package, which compiles and transmits the necessary environmental documents and supporting information for State Water Board staff to review to determine compliance with state and federal environmental laws and regulations. SRF funds are available for planning and design, as well as construction activities.

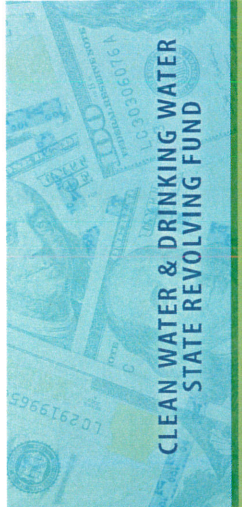
## QUESTIONS

The consultation process can be lengthy, especially if the project is expected to affect biological or cultural resources. Please contact your State Water Board Project Manager and/or Environmental Section staff early in the planning process to discuss what environmental information may be needed for your project.

## WEBSITE

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/environmental\\_requirements.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/environmental_requirements.html)

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# ENVIRONMENTAL REVIEW REQUIREMENTS

