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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Eric Schroth, P.E., L.S.
Butte County Public Works
7 County Center Dr.,
Oroville, CA 95965

Governor's Office of Planning & Research

APR 23 2020

STATE CLEARINGHOUSE

Dear Mr. Schroth:

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INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND) FOR BUTTE COUNTY PUBLIC WORKS (COUNTY); STIRLING CITY SEWER REHABILITATION PLANNING PROJECT (PROJECT); BUTTE COUNTY; STATE CLEARINGHOUSE NO. 2020049036

We understand that the County 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 on the IS/MND to be prepared for the Project.

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 is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit: 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 approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Brian Cary, at (916) 449-5624.

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

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It is important to note that prior to a CWSRF financing commitment, projects that are subject to provisions of the Federal Endangered Species Act (ESA), 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 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 impact if the Project is to be financed by the CWSRF 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 has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated when 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) 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 CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (Negative Declaration, MND or Environmental Impact Report) or in a separate report.
- B. A public hearing or meeting for adoption/certification of 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 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 the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and 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. As early as possible please consult the USFWS before project construction begins for input on conservation measures to avoid and minimize the take of migratory birds.
2. If work cannot occur outside the migratory bird nesting season (either the maximum or primary nesting season), the County should provide USFWS with an explanation for why work has to occur during the migratory bird nesting season.
3. Please consider including some language in mitigation measure BIO-2 that involves contacting USFWS in addition to CDFW. Basically, If migratory birds are present and

nesting in the proposed project or action area, please contact your nearest USFWS Ecological Services Field Office and/or USFWS Regional Migratory Bird Management Office for guidance on appropriate next steps to avoid and minimize impacts to (and take of) migratory birds associated with the proposed project or action.

4. Please include an IPAC review of the project area (<https://ecos.fws.gov/ipac/>) if pursuing funding through the CWSRF program.

Please provide us with 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/certifying 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 Butte 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) 322-0355, or by email at Matthew.Metelitz@waterboards.ca.gov, or contact Brian Cary at (916) 449-5624, or by email at Brian.Cary@waterboards.ca.gov.

Sincerely,

Matthew Metelitz
Environmental Scientist

Enclosures (3):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans

cc: State Clearinghouse
(Re: SCH# 2020049036)
P.O. Box 3044
Sacramento, CA 95812-3044