

NOTICE OF EXEMPTION

2020080541

TO:

☒ **Office of Planning and Research**
PO Box 3044
Sacramento, CA 95812-3044

☒ **Shasta County Clerk**
1643 Market Street
Redding, CA 96001

FROM:

Clear Creek Community Services District
5880 Oak Street
Anderson, CA 96007

Project Title: Clear Creek Community Services District Backwash Ponds Repair Project**Project Location:**

The project site is located in unincorporated Shasta County within the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area. Improvements would occur at the Water Treatment Plant, located at the base of Whiskeytown Dam, east of Clear Creek (Section 27, Township 32 N, Range 6 W, of the U.S. Geological Survey Igo quadrangle (see **Figure 1**).

City: Unincorporated**County:** Shasta**Description of Nature, Purpose, and Beneficiaries of Project:**

The Clear Creek Community Services District (District) provides water service to ±9,000 customers within the District's ±19,000-acre water service area. Water for the District is diverted from Whiskeytown Lake through two intakes in Whiskeytown Dam and is filtered and disinfected at the Water Treatment Plant (WTP). The WTP facilities include three backwash ponds that enable the District to recycle backwash waste water for use by the District and its customers.

The 2018 Carr Fire caused extensive destruction in the Whiskeytown Lake watershed, including the area adjacent to the three backwash ponds. Raw water turbidity and biology in Whiskeytown Lake changed dramatically and impacted the filtration capacity and backwash frequency of the WTP. An increase in the historical subsurface flow from around the backwash ponds was noted immediately after the fire, and leakage from the ponds was eventually flowing into Clear Creek. Remedial steps using a leak repair product were taken by CCCSD to reduce the pond percolation rate, but the measures proved futile. The proposed project will substantially reduce, if not eliminate percolated water runoff into Clear Creek, enhance the ability to process backwash sludge, and improve the resiliency of the facilities to respond to natural disasters impacting water quality in Whiskeytown Lake.

The project includes the following:

1. Replacement of the ineffective pond clay liner with the addition of structural concrete to the bottom and side slopes of Ponds 2 and 3;
2. Installation of French drains upgradient of Ponds 1, 2, and 3 to intercept groundwater to protect fill slopes and the concrete liner from hydrostatic pressure, with the French drains discharging to an existing constructed ditch;
3. Installation of overflow outlets from Pond 3 to Pond 2, from Pond 2 to Pond 1, and from Pond 1 to the existing drainage ditch to protect the pond embankments;
4. Surface restoration of the roads around the ponds, which will be damaged during installation of the French drains, overflow outlets and other construction activities; and
5. Replacement of the supervisory control and data acquisition (SCADA) system to allow for remote monitoring, system automation, and control.

Staging of construction equipment and materials would occur in previously disturbed areas on the WTP property.

Name of Public Agency Approving and Carrying Out the Project: Clear Creek Community Services District**Local Agency Contact Person:** Kurt Born, General Manager, 530.357.2121

Exempt Status: Categorical Exemption:

California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines):

Class 1, §15301 (Existing Facilities)

Reason Why Project Is Exempt:

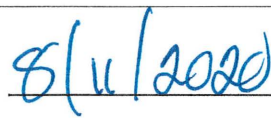
Class 1 includes the repair, maintenance, or minor alteration of publicly owned utilities, involving negligible or no expansion of use, and the rehabilitation of damaged structures, facilities, or mechanical facilities to meet current public health standards and safety. The project is consistent with this categorical exemption because work would consist of repairs to the District's facilities that were damaged due to the 2018 Carr Fire.

As documented in **Attachment A**, the project would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources within a Scenic Highway; is not located on a hazardous waste site pursuant to §65962.5 of the Government Code; would not cause a substantial adverse change in the significance of a historical resource; and would not result in cumulative impacts.

Signature: _____


Kurt Born, General Manager
Clear Creek Community Services District

Date: _____



Governor's Office of Planning & Research

Date Received for Filing at OPR: _____

AUG 28 2020

STATE CLEARINGHOUSE

Figure 1: Vicinity/Location Map

Attachment A: Documentation in Support of a Categorical Exemption.



Path: N:\companyfiles\01-Jobs Active\14-21 Diaz - CCCSD\9-Project GIS\9-Map Documents\Figure 1 Project Vicinity 062920.mxd

All depictions are approximate. Not a survey product.

06.29.20

ATTACHMENT A

Notice of Exemption

Clear Creek Community Services District Backwash Pond Repair Project

As described in the Notice of Exemption (NOE), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to §15301 (Class 1-Existing Facilities) of the CEQA Guidelines. CEQA Guidelines §15300.2 identifies exceptions that override a lead agency's ability to use a categorical exemption. These exceptions are listed below, followed by documentation of why each exception does not apply to the proposed project.

- 1. Cumulative Impact.** *All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.*

There are no successive similar projects proposed in the study area. Therefore, the project's impacts would not be cumulatively considerable.

- 2. Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

An "unusual circumstance" exists if the project's circumstances differ from the general circumstances of projects covered by the applicable exemption, and, if so, whether there is a reasonable possibility of a significant effect on the environment *due to* the unusual circumstances. As documented below, there are no unusual circumstances that would preclude a categorical exemption for the project.

Aesthetics

The proposed project includes repairs to existing facilities in previously disturbed areas, and no new above-ground structures are proposed. No trees would be removed, and only minor vegetation removal around the ponds would occur. Temporary visual impacts during construction would cease at the completion of the improvements. Therefore, no significant impacts would occur.

Agriculture and Forest Resources

According to the USDA Natural Resources Conservation Service (NRCS), areas in which improvements would occur are not designated as prime farmland, and there are no agricultural uses in the project area. The project area is not zoned forest land or timberland and does not meet the definition of forest land pursuant to Public Resources Code section 12220(g). Therefore, there would be no impact on agricultural lands or forest resources.

Air Quality/Greenhouse Gas (GHG) Emissions

The project would result in the temporary generation of ROG, NO_x, PM₁₀, and other regulated pollutants, as well as GHG emissions during construction. ROG, NO_x, and GHG emissions would be primarily associated with employee vehicle trips, delivery of materials, and construction equipment exhaust. PM₁₀ would be generated during earth disturbance. The project does not include any components that would result in a long-term increase in emissions. There are no unusual circumstances associated with air quality/GHG emissions that would preclude a categorical exemption for the proposed project.

Biological Resources

Special-Status Plant Species

Review of the U.S. Fish and Wildlife Service species list for the project area did not identify any federally listed plant species as potentially occurring in the project vicinity. The project area does not contain designated critical habitat for federally listed plant species.

A review of California Natural Diversity Data Base (CNDDB) records showed that five special-status plants have been reported within an approximate five-mile radius of the project site: Canyon Creek stonecrop, maverick clover, Nuttall's ribbon-leaved pondweed, Sanford's arrowhead, and Shasta huckleberry. One non-status plant species, slender silver moss, was also reported within the search radius.

A botanical survey was completed by an ENPLAN biologist on June 24, 2020. Some of the special-status plant species potentially occurring in the project area would not have been evident at the time the fieldwork was conducted; however, determination of their potential presence could readily be made based on observed habitat characteristics. No special-status plant species were observed during the botanical field survey, nor are any expected to be present.

Special-Status Wildlife Species

Review of the USFWS species list for the project area identified the following federally listed animal species as potentially being present in the project area: gray wolf, North American wolverine, northern spotted owl, yellow-billed cuckoo, California red-legged frog, Delta smelt, longfin smelt, valley elderberry longhorn beetle (VELB), conservancy fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp. The USFWS species list does not identify designated critical habitat in the study area for any federally listed animal species.

CNDDB records showed that one special-status wildlife species, steelhead – Central Valley DPS, is mapped in the project area in Clear Creek. Steelhead are known to occur in Clear Creek from its mouth in the Sacramento River to Whiskeytown Dam; however, no in-water work in Clear Creek would occur. A condition will be included in the construction contract to require implementation of Best Management Practices (BMPs) for spill prevention and erosion/sediment control to prevent damage to streams, watercourses, and aquatic habitats. Implementation of BMPs would avoid/minimize the potential for significant indirect impacts on steelhead and other aquatic species.

The following special-status wildlife species have been reported within an approximately five-mile radius of the project site: bald eagle, Chinook salmon – Central Valley spring-run ESU, Chinook salmon – Sacramento River winter-run ESU, fisher – west coast DPS, foothill yellow-legged frog, Pacific tailed frog, pallid bat, Shasta salamander, Townsend's big-eared bat, western pond turtle, and western red bat. The following non-status animals have also been mapped within the search radius: long-eared myotis, Oregon shoulderband, silver-haired bat, Wawona riffle beetle, and Yuma myotis.

To determine the presence/absence of special-status animal species, a wildlife survey of the project site was completed by an ENPLAN biologist on June 24, 2020. Some of the special-status animal species potentially occurring in the project area would not have been evident at the time the fieldwork was conducted; however, determination of their potential presence could readily be made based on observed habitat characteristics. No special-status animal species were observed during the survey or are anticipated to occur in the project site.

Natural Communities and Wildlife Habitats

The principal natural communities in the project area are lacustrine (Whiskeytown Lake and backwash ponds), stream/riverine (Clear Creek), and a post-fire early seral stage shrub community. Most of the trees and other vegetation surrounding the project site were damaged or destroyed by the 2018 Carr Fire; however, vegetation is starting to naturally regenerate, and the surrounding area provides suitable habitat for various wildlife species, such as frogs, lizards, snakes, birds, deer, and bears. Because all work would occur in previously disturbed areas and only minimal vegetation removal in the ponds would occur impacts on natural communities would be negligible.

Although the construction noise and activity could temporarily impede wildlife movement in the area, this is a temporary effect that would cease at completion of the project, and is not an unusual circumstance. In addition, as stated above, BMPs for spill prevention and erosion/sediment control would be implemented to prevent damage to streams, watercourses, and aquatic habitats. Implementation of BMPs would avoid/minimize significant indirect impacts.

Nesting Birds

The USFWS identified the following *Birds of Conservation Concern* as potentially being affected by the proposed project: bald eagle, golden eagle, Nuttall's woodpecker, oak titmouse, rufous hummingbird, song sparrow, spotted towhee, and wren-tit.

During the June 24, 2020, field survey, nesting osprey were observed at two locations near the project area; one nest was observed on top of an electric transmission line tower ±250 feet northwest of the project site, and one was observed on top of a power pole immediately east of the access road and staging area. An old nest was also observed in a tree ±250 feet north of the project site, but was not in use. Construction activities are not expected to directly affect nesting birds because no trees or structures supporting nests would be removed.

Indirect effects such as nest abandonment by adults in response to loud noise levels are likewise not expected because any birds that may nest adjacent to the work area would be accustomed to periodic loud noises and other human-induced disturbances (e.g., vehicles driving across the dam, recreational users on Whiskeytown Lake, maintenance activities at the WTP, maintenance activities at the Western Area Power Administration's electric substation located immediately west of the backwash ponds, etc.). The proposed activity would not have a significant effect on nesting birds due to unusual circumstances. In any case, construction work would remain subject to existing state and federal laws providing protections to nesting birds.

Energy

The proposed project does not include any components that would result in environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources in the long-term. There are no unique circumstances related to energy use during construction of the proposed project that would result in more significant impacts than other similar construction projects.

Geology and Soils

According to the Alquist-Priolo Earthquake Fault Zoning Map for Shasta County, the nearest Alquist-Priolo Special Study Zone to the project area is the Cassel Fault Zone, approximately 50 miles northeast of the project site.

The nearest potentially active faults are located 21 miles southeast of the project area in the Battle Creek Fault Zone. Therefore, seismically-induced hazards are not expected to occur. Soils on the project site are mapped by the USDA Natural Resources Conservation Service (NRCS) as Kidd very rocky loam, 10 to 60 percent slopes. These soil types are found throughout the project area and are not unique to the project site.

Hydrology and Water Quality

The purpose of the project is to stop the uncontrolled flow of percolated backwash water into Clear Creek; therefore, the project would have a beneficial effect on water quality in the Creek.

The project may be subject to Section 404 of the Clean Water Act due to work in the constructed drainage ditch adjacent to the ponds. It is anticipated that the proposed project would qualify for a U.S. Army Corps of Engineers Nationwide Permit (NWP). The project would be subject to conditions of the NWP, including the requirement to implement construction BMPs for spill prevention and erosion/sediment control to avoid degradation to Waters of the U.S.

Based on consultation with the Central Valley Regional Water Quality Control Board (CVRWQCB), it was determined that the project would be covered under a "Low Threat Discharge Waiver" (CVRWQCB Resolution R5-2018-0085, *Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region*). This Resolution identifies a waiver category that applies to waste discharges from water treatment systems associated with system flushing and filter backwash. To obtain coverage under this waiver, the District must file a Report of Waste Discharge (RWD) that demonstrates the project would not affect the quality of Waters of the State.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panel 06089C1525G, effective 03/17/2011), no improvements are located within a designated flood hazard zone. The project does not include any components that would alter the existing drainage patterns in the area in a manner that would increase surface runoff or impede or redirect flood flows downstream.

Land Use

The project includes improvements to existing facilities within the current footprint of the District's WTP, and no expansion of use or capacity would occur. As documented herein, the project would not result in significant environmental impacts; thus, the project would not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Mineral Resources

The California Geological Survey has not designated any Mineral Resource Zones in the project area. In addition, there are no properties in the project area that are zoned or used for mining activities.

Noise

Construction activities would generate noise and would temporarily increase noise levels in the area. There are no residents within the project area, and recreational users on the lake would not be impacted due to the work site being at the base of the dam. The project does not include any components that would permanently increase noise at the project site over existing levels.

Population and Housing

The purpose of the project is to repair existing infrastructure, and no expansion in capacity would occur. The project has no components that would directly or indirectly induce unplanned population growth in the area.

Public Services, Recreation, and Utilities

Because the project would not induce population growth in the area, the project would not generate a demand for additional fire protection, police protection, schools, parks, recreational facilities, or other public services. Further, there would be no increased demand for utility services.

Transportation/Traffic

Because the project would not induce population growth, the project would not directly or indirectly result in a permanent increase in traffic. There would be short-term increases in traffic in the area associated with construction workers and equipment; however, existing regulations require safety measures to be employed to safeguard travel by the general public during construction.

Wildfire

The project does not include any development or improvements that would increase the long-term risk of wildland fires or expose people or structures to wildland fires. There are no unique circumstances associated with the project that would result in more significant impacts than other similar projects.

- 3. Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway.*

According to the California Scenic Highway Mapping System, there are no officially designated State Scenic Highways in the project area; therefore, there would be no impact.

- 4. Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code.*

The following databases were reviewed to locate "Cortese List" sites.

- List of Hazardous Waste and Substances sites from the Department of Toxic Substances Control EnviroStor database.
- State Water Resources Control Board (SWRCB) GeoTracker Database.
- List of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit.
- List of active Cease and Desist Orders and Clean-Up and Abatement Orders from the SWRCB.

Review of the above records showed that the nearest active clean-up site is approximately 5.3 miles southeast of the project area. Therefore, there would be no impact.

5. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project site has been evaluated for the presence of historical resources on several occasions. The initial work was conducted in 1995, prior to construction of the existing backwash ponds. At that time, a records search at the Northeast Information Center of the California Historical Resources Information System at California State University, Chico (NEIC) was conducted. Based on the records search results, local topography, and other factors, the NEIC stated that a field survey was not warranted (Diaz, 1995, Appendix E). However, according to District staff (K. Born, pers. comm.), a USBR archaeologist surveyed the site prior to pond construction with negative results. The Environmental Assessment (EA) prepared for the project (Diaz, 1995) concluded that project construction would result in no adverse effects on archaeological or historical resources; the EA was approved by the Bureau.

Subsequently, improvements to the backwash pond piping were proposed in 2012. The USBR (2012) approved a Categorical Exclusion for this work, with a finding that the piping improvements project had no potential to affect Indian Trust Resources or historic resources. Because funding for this project was provided by the SWRCB, a State Cultural Resources Officer surveyed the project site on September 15, 2015, and concluded that the project did not have the potential to cause effects on historic properties (SWRCB, 2016).

In January 2020, pursuant to the *Programmatic Agreement Among the Federal Emergency Management Agency, the California State Historic Preservation Officer, and the California Governor's Office of Emergency Services*, a Federal Emergency Management Agency (FEMA) archaeologist reviewed the proposed project and determined that the undertaking conforms to a Programmatic Allowance (Second Tier Allowance, Section II.E.5.a, *in-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems*) and does not require State Historic Preservation Officer review or notification. A Categorical Exclusion was subsequently authorized by FEMA (2020). As a standard condition of approval, FEMA required that *"if ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA."*

In July 2020, at the request of ENPLAN, the Native American Heritage Commission conducted a search of their Sacred Lands File; results of the search were negative (Native American Heritage Commission, 2020). To satisfy federal requirements, a cultural resources field survey was completed on August 5, 2020; no historic or archaeological resources were identified in the study area. The survey confirmed that all work would be confined to previously disturbed land (i.e., land that was substantially modified during construction of the existing ponds).

Given the above site history, the FEMA conditions of approval, and the results of the current records search and field survey, the proposed project has no potential to cause a substantial adverse change in the significance of a historical resource.

DOCUMENTATION:

California Department of Conservation, California Geological Survey. 2015. SMARA Mineral Land Classification Maps. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed June 2020.

- _____. 2020. Earthquake Zones of Required Investigation.
<https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed June 2020.
- _____. 2010. Fault Activity Map of California. <http://maps.conservation.ca.gov/cgs/fam/>. Accessed June 2020.
- California Department of Transportation.** 2020. California State Scenic Highway Mapping System. Shasta County. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed June 2020.
- California Environmental Protection Agency.** 2020. Cortese List Data Resources.
<https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed June 2020.
- California Water Resources Control Board.** 2016. CWSRF Environmental Summary Checklist: Clear Creek Community Services District, Project Number C-06-8130-110.
- Clear Creek Community Services District.** 2020. Personal Communication, Kurt Born, General Manager, Diaz Associates.
- Diaz Associates.** 1995. Proposed Water Treatment Facility Expansion and Water Storage Tank Construction Environmental Assessment.
- ENPLAN.** Field survey. June 24, 2020.
- Federal Emergency Management Agency.** 2020. Record of Environmental Considerations, dated February 13, 2020: Clear Creek Community Services District, Shasta County, CA.
- Native American Heritage Commission.** 2020. Letter from Nancy Gonzalez-Lopez, Cultural Resources Analyst, to Evan Wiant, ENPLAN Archaeologist, RE: Clear Creek Community Services District Backwash Pond Project, Shasta County. Letter dated July 7, 2020.
- U.S. Department of Agriculture, Natural Resources Conservation Service.** 2020. Web Soil Survey.
<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed June 2020.
- U.S. Department of the Interior, Bureau of Reclamation.** 2012. Categorical Exclusion Checklist: CCCSD Water Treatment Plant Backwash Recycle Project. NCAO-CEC-12-15. Approved December 12, 2012.