

NOTICE OF EXEMPTION

TO:

☒ **Office of Planning and Research**
1400 Tenth Street
Sacramento, CA 95814

☒ **Humboldt County Clerk**
825 5th Street #5
Eureka, CA 95501

FROM:

Orick Community Services District
101 Swan Road
Orick, CA 95555

Project Title: Orick Community Services District - Tank 1 Replacement Project

Project Location:

The project site is located in the unincorporated community of Orick in Humboldt County, in Township 11 North, Range 1 East, Section 33, of the U.S. Geological Survey (USGS) Orick, CA, 7.5-minute quadrangle (see **Figure 1**). As shown in **Figure 2**, the project site is located on District-owned property north of Hufford Road (Assessor's Parcel Number 520-161-003).

City: Orick (unincorporated)

County: Humboldt

Description of Nature, Purpose, and Beneficiaries of Project:

The purpose of the proposed project is to replace aging infrastructure and equipment, maintain adequate fire flows, and to ensure a safe and reliable potable water supply for existing customers in the Orick Community Services District (OCSD) service area. OCSD Tank 1 is critical to providing water to the community of Orick. However, the existing tank is not designed to withstand a seismic event and is leaking beyond repair. The project will benefit residences and businesses within the OCSD's service area.

Improvements include replacing an existing 100,000-gallon redwood tank with a new 100,000-gallon, glass-fused, bolted steel tank with a concrete foundation. The existing tank would be demolished and removed from the site, and the new tank and foundation would be constructed approximately 15 feet northeast of the original tank footprint. Additional improvements include replacing water lines and electrical lines in new locations; two new power poles would be installed to connect the electrical line to existing conduit at the site. In addition, a new supervisory control and data acquisition (SCADA) system would be installed on the new tank and a two-foot tall antenna would be attached to a four-foot tall railing mounted to the top of the tank. The new tank is anticipated to be approximately 31 feet in diameter by 30 feet in height, with a maximum water height of 19.65 feet.

All proposed improvements would be installed in a previously disturbed area; no trees are expected to be removed. Staging would occur at the project site.

Name of Public Agency Approving Project: Orick Community Services District

Name of Agency Carrying out the Project: Orick Community Services District

Local Agency Contact Person: Trevor Avram, Operator/Manager

Exempt Status: Categorical Exemption:

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

Class 1, §15301 (Existing Facilities)

Class 2, §15302 (Replacement or Reconstruction)

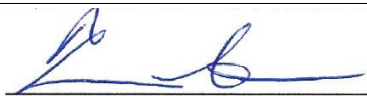
Class 3, §15303 (New Construction or Conversion of Small Structures)

Reason Why Project Is Exempt:

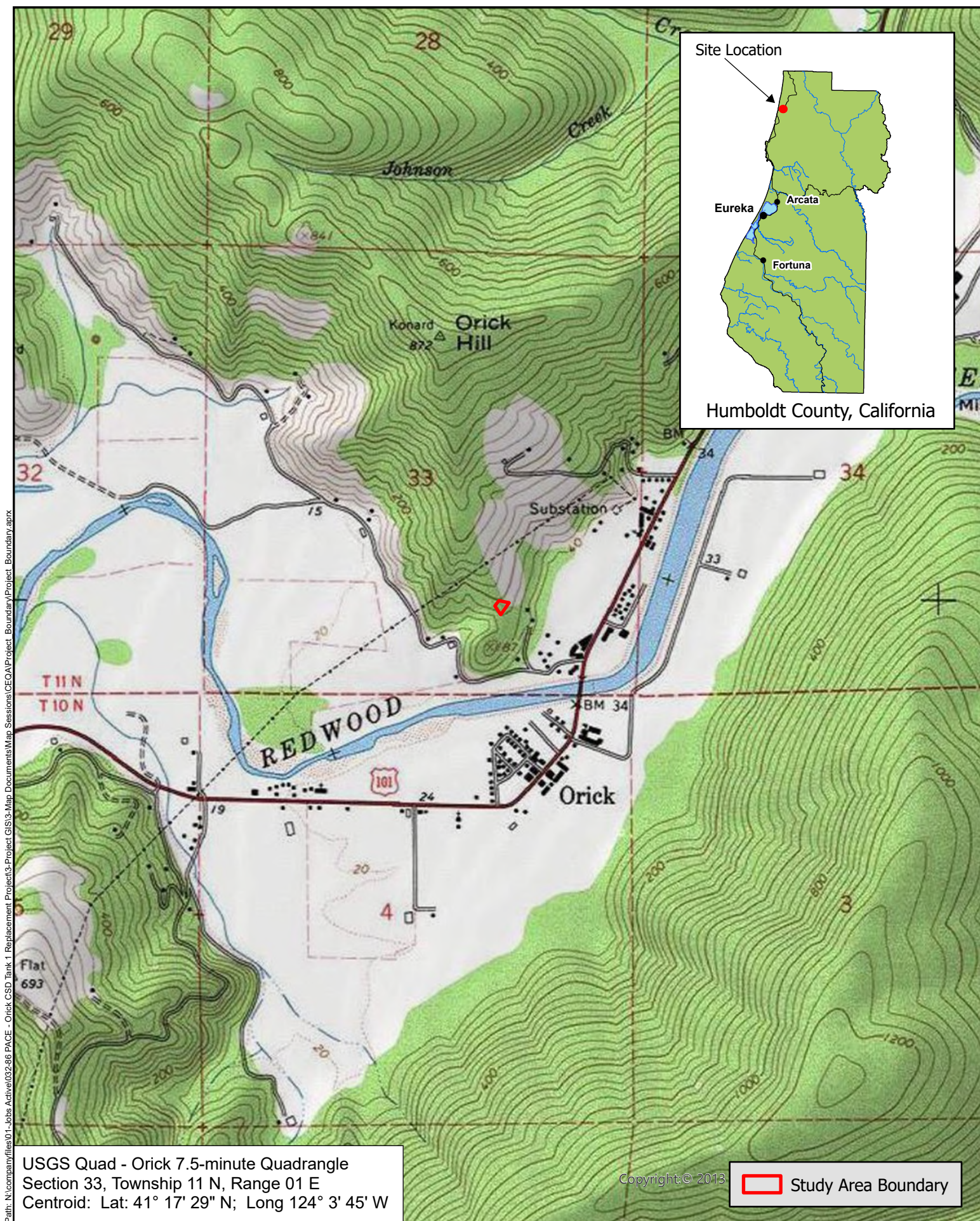
Class 1 authorizes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Class 2 authorizes replacement or reconstruction of existing utility systems and/or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the structure replaced. Class 3 authorizes construction of limited numbers of new, small facilities or structures and installation of small new equipment and facilities in small structures.

The project is consistent with the categorical exemptions noted above because work would not expand the District's water service capacity; the new tank would be constructed on the same site as the tank being replaced; only minor earth disturbance would be required to accommodate the proposed improvements; the ground surface would be restored following construction; and new construction would be limited to small structures. It should be noted that the California Department of Public Health recognizes water tanks up to 100,000 gallons in size as small structures.

As documented in Attachment A, the proposed 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 cumulatively significant impacts.

Signature:
Trevor Avram
Orick CSD Operator/Manager**Date:****Date Received for Filing at OPR:** _____**Attachments:**

- Figure 1: Project Location and Vicinity Map
- Figure 2: Project Site



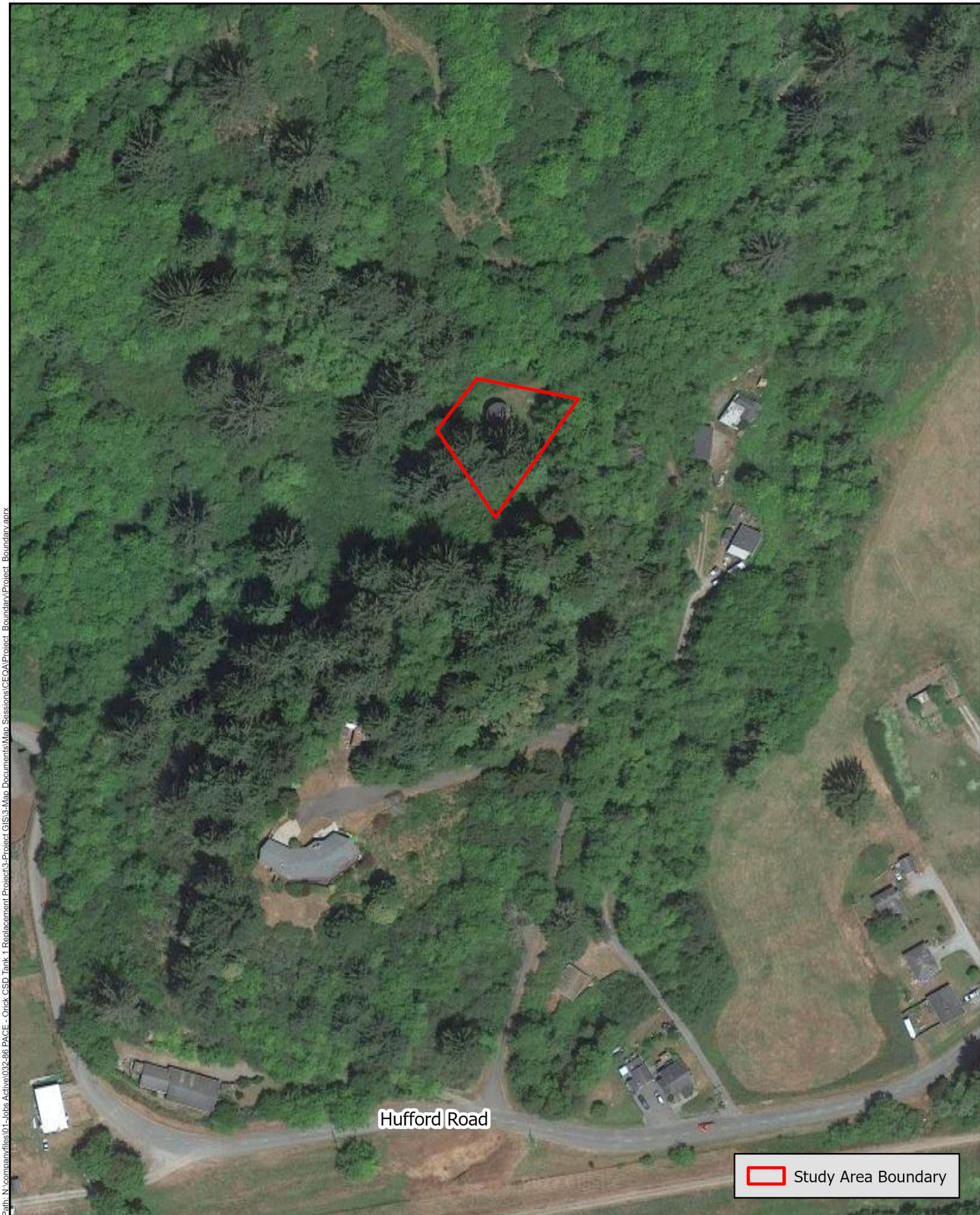
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Figure 1
Project Location and Vicinity

All depictions are approximate. Not a survey product.

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Figure 2
Project Site

All depictions are approximate. Not a survey product. 01.03.23

ATTACHMENT A
Notice of Exemption
Orick CSD Tank 1 Replacement Project

As described in the Notice of Exemption (NOE), the proposed project is categorically exempt from CEQA pursuant to §15301 (Class 1-Existing Facilities), §15302 (Class 2-Replacement or Reconstruction), and §15303 (Class 3-New Construction or Conversion of Small Structures) 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. Location. *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The proposed project is supported in part by a Class 3 exemption. As documented below, no evidence has been found to suggest that the project location is particularly sensitive. Likewise, the project is not expected to affect an environmental resource of hazardous or critical concern. Therefore, the Class 3 exemption is applicable to the proposed project.

2. 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.*

The proposed project involves replacement of the Orick Community Services District's (OCSD) Tank 1. OCSD is currently planning to update other components of its water system, and work could occur within the same time frame. Other planned improvements include replacing Tank 2 and four distribution valves, and installing a 20-foot-tall communications tower and a new emergency generator at the OCSD office. However, these improvements would occur in different parts of Orick and the timing for these improvements has not yet been determined. Impacts of these construction projects would be minor, temporary in nature, and cease at completion of the projects. Therefore, the proposed project's impacts would not be cumulatively considerable.

3. 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 proposed project.

Aesthetics:

The proposed water tank would be replaced in the same location and have approximately the same capacity as the existing tank. No tree removal would be needed to facilitate construction or to prepare the staging area. The proposed project would not involve any unusual circumstances that might result in a significant visual impact.

Agriculture and Forestry Resources:

According to the California Department of Conservation, the project site is not designated as prime, unique, or important farmland, and is not under a Williamson Act contract. Although the water tank site is located in a forested area, improvements would occur in a previously disturbed area on an OCSD-owned parcel. No trees would be removed, and the project site is not zoned for agricultural use or timber production. Therefore, no impacts to agricultural or forest resources would occur.

Air Quality/Greenhouse Gas (GHG) Emissions:

The proposed project would result in the temporary generation of ROG, NO_x, PM₁₀, and other regulated pollutants during construction. ROG and NO_x emissions are associated with employee vehicle trips, delivery of materials, and construction equipment exhaust. PM₁₀ would be generated during site preparation, excavation, and from exhaust associated with construction equipment. 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 that would preclude a categorical exemption for the proposed project.

Biological Resources:

As documented below, there are no unusual circumstances associated with special-status species, nesting birds, or other biological resources that would preclude a categorical exemption for the proposed project.

Special-Status Plant Species:

Review of the U.S. Fish and Wildlife Service (USFWS) species list for the project area did not identify any federally listed plant species as potentially occurring in the project vicinity and did not identify designated critical habitat in the study area for any federally listed plant species. Review of the California Natural Diversity Database (CNDDB) records revealed 17 special-status plant species within a five-mile radius of the project site: beach layia, California globe mallow, deceiving sedge, ghost-pipe, green yellow sedge, Howell's montia, lagoon sedge, northern meadow sedge, Oregon Coast paintbrush, pink sand-verbena, Scouler's catchfly, seaside bittercress, seaside pea, Siskiyou checkerbloom, Thurber's reed grass, Wolf's evening primrose, and woodnymph. Review of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants records revealed four additional special-status plant species within the Orick 7.5-minute USGS quadrangle: green shield-moss, minute pocket moss, Pacific gilia, and Thurber's reed grass. A field reconnaissance was conducted by an ENPLAN biologist on October 13, 2022, to assess onsite habitat conditions. Although most of these species would not have been evident at the time of the field visit, the project site has been extensively disturbed in the past. Further disturbance in the same footprint is not expected to adversely affect special-status plant species.

Special-Status Wildlife Species

Review of the National Marine Fisheries Service species list for the Orick quadrangle identified 17 federally listed anadromous and salt-water species as potentially occurring in the project area; however, because no waterbodies or streams pass through or adjacent to the project boundary, there is no potential for aquatic species to be present in the project area.

Review of the USFWS species list for the project area identified the following federally listed wildlife species or candidates for federal listing as potentially occurring in the project vicinity: Humboldt marten, marbled murrelet, northern spotted owl, western snowy plover, yellow-billed cuckoo, tidewater goby, and monarch butterfly. The USFWS species list does not identify designated critical habitat in the study area for any federally listed wildlife species.

CNDDB records identified nine additional special-status wildlife species within a five-mile radius of the project site: American peregrine falcon, bank swallow, coast cutthroat trout, eulachon, fisher, foothill yellow-legged frog, northern red-legged frog, Pacific tailed frog, and southern torrent salamander. An ENPLAN biologist conducted a field review on October 13, 2022, to assess habitat conditions for these species. Although some of the special-status animals noted above could forage in the general project area, there is negligible or no potential for these or other special-status wildlife to rely on the project site for breeding or other critical life cycle events. Since project construction would take place in an existing

clearing and not include tree removal, there is little to no potential for special-status wildlife to be adversely affected by project implementation.

Nesting Migratory Birds

The USFWS identified the following Birds of Conservation Concern as potentially being affected by the proposed project: Allen's hummingbird, bald eagle, black oystercatcher, black swift, black turnstone, evening grosbeak, marbled godwit, olive-sided flycatcher, rufous hummingbird, western grebe, and wrentit. If present on site, construction could result in nest removal or indirectly affect nesting birds by causing adults to abandon their nests in response to loud noise levels and other human-induced disturbances during construction. The potential for project implementation to adversely affect nesting birds will be minimized by conducting construction activities outside of the nesting season (between September 1 and January 31), or by conducting pre-construction nesting surveys in accordance with existing standard construction measures if work is conducted during the nesting season.

Sensitive Natural Communities

CNDDDB records identified one sensitive natural community in the project area: Sitka Spruce Forest. Although Sitka spruce are present in the vicinity of the water tank, the work site does not support a Sitka spruce forest and no removal of trees is proposed as part of the project.

A field evaluation conducted by an ENPLAN biologist identified one surface water feature on the project site. The feature is the result of slow leakage from the water tank and is not tributary to other wetlands or waters. According to both the North Coast Regional Water Quality Control Board (NCRWQCB) and the U.S. Army Corps of Engineers (USACE), the feature does not fall under the jurisdiction of either regulatory agency (personal communication: Ryan Bey, NCRWQCB, November 30, 2022; William Conner, USACE, October 26, 2022).

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. The proposed project has no unique circumstances related to energy use that would result in more significant impacts than other similar projects.

Geology and Soils:

According to the Alquist-Priolo Earthquake Fault Zoning Map, there are no Alquist-Priolo Special Study Zones in the project area. The nearest Alquist-Priolo Special Study Zones occur approximately 16 miles south of the community of Orick near Trinidad. The 2010 Fault Activity Map, prepared by the California Geological Survey, indicates that there are potentially active faults north, south, and east of Orick; however, this is not unique to the project site.

Soils on the project site are mapped by the USDA Natural Resources Conservation Services (NRCS) as Ladybird-Stonehill complex, 30 to 50 percent slopes. These soils are found throughout the project area and are not unique to the project site. There are no unique circumstances related to geology or soils that would preclude a categorical exemption for the proposed project.

Hydrology and Water Quality:

Construction activities would result in the temporary disturbance of soil and would expose disturbed areas to potential storm events that could generate accelerated runoff, localized erosion, and sedimentation. However, this is a temporary construction impact, and no long-term impacts would occur. In addition, in accordance with Humboldt County requirements, erosion/sediment controls would be implemented during construction to prevent damage to streams, watercourses, and aquatic habitats. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panels 06023C0170F, effective November 4, 2016), the project site is not located within a designated flood hazard zone.

Land Use and Planning:

The proposed project would not conflict with the County's General Plan, applicable County Codes, or standard construction measures, and does not include any components that would physically divide an established community.

Mineral Resources:

The California Geological Survey has not designated any Mineral Resource Zones in the project area and the project site is not zoned for mining activities.

Noise:

Construction activities would generate noise and would temporarily increase noise levels in the area. However, there is nothing unique to the project that would result in more significant impacts than other construction projects in the area. The project does not include any components that would result in a permanent increase in noise levels. There are no unusual circumstances associated with noise that would preclude a categorical exemption for the proposed project.

Population and Housing:

Because the proposed project would not increase the capacity of the OCSD's water system, the project would not induce population growth in the area beyond that currently projected in the County's General Plan. There are no unusual circumstances associated with population and housing that would preclude a categorical exemption for the proposed project.

Public Services:

Because the project would not induce population growth, it would not generate a demand for additional fire protection, police protection, schools, parks, or other public services.

Recreation:

There are no unique recreational facilities or resources in or adjacent to the project site. In addition, because the project would not induce population growth, the project would not indirectly impact recreational facilities or result in the need for additional recreational facilities.

Transportation:

Because the project consists of replacement of existing facilities and 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; however, this is a temporary impact and would cease upon completion of the improvements. The proposed activity would not have a significant effect on the environment due to unusual circumstances.

Utilities and Service Systems:

The project would not require the relocation of sewer lines, storm drains, natural gas, or other utility infrastructure. Although the project includes the installation of two new power poles and replacement of onsite water lines, the project would not induce substantial unplanned population growth in the area and no increased demand for facilities would occur. There are no unusual circumstances associated with utilities or service systems that would preclude a categorical exemption for the proposed project.

Wildfire:

The proposed 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 proposed project that would result in more significant impacts than other projects in the area.

4. 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.

5. 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 (DTSC) EnviroStor database.
- 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.

The records search revealed that the project is not located on a hazardous waste site. However, an active leaking underground storage tank case is located 0.4 miles southeast of Tank 1 near Hargood's Hardware Store, at the now-closed Green Valley Exxon. Review of GeoTracker records shows that the leaking tanks were removed in August 2000. Due to the distance between the project site and the clean-up location, the project would not affect or be affected by the clean-up site.

6. 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.*

A cultural resources evaluation was completed for the project by DZC: Archaeology & Cultural Resource Management to identify the project's potential effects on cultural resources. The evaluation included a records search, Native American consultation, and field evaluation. The evaluation concluded that no known cultural resources would be impacted by the project. However, there is always some potential for previously unknown cultural resources to be encountered during construction. Therefore, the following standard construction measures will be included in bid/contract documents to address the inadvertent discovery of cultural resources and human remains.

1. In the event of any inadvertent discovery of cultural resources (i.e., burnt animal bone, midden soils, projectile points or other humanly modified lithics, historic artifacts, etc.), all work within 50 feet of the find shall be halted until a professional archaeologist can evaluate the significance of the find in accordance with PRC §21083.2(g) and §21084.1, and CEQA Guidelines §15064.5(a). If any find is determined to be significant by the archaeologist, the Orick Community Services District (OCSD) shall meet with the archaeologist to determine the appropriate course of action. If necessary, a Treatment Plan prepared by an archeologist outlining recovery of the resource, analysis, and reporting of the find shall be prepared. The Treatment Plan shall be reviewed and approved by the District prior to resuming construction.
2. In the event that human remains are encountered during construction activities, OCSD shall comply with §15064.5 (e) (1) of the CEQA Guidelines and PRC §7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the County coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the NAHC to identify the most likely descendants of the deceased Native Americans. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed in §15064.5(e) has been completed.
3. In the event that project plans change to include areas not surveyed, additional archaeological reconnaissance may be required. If cultural resources are encountered, the archaeologist shall recommend/implement additional measures as necessary, which may include subsequent monitoring by an archaeologist or Native American representative.

DOCUMENTATION:

- California Department of Transportation.** 2018. California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacao>. Accessed September 2022.
- California Environmental Protection Agency.** 2022. Cortese List Data Resources. <http://www.calepa.ca.gov/sitecleanup/corteselist/>. Accessed September 2022.
- California Natural Diversity Database.** <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>. Accessed September 2022.
- Humboldt County.** 2017. Humboldt County General Plan. <https://humboldt.gov/205/General-Plan>. Accessed September 2022.
- _____. 2020. Humboldt County Code of Ordinances. <https://humboldt.county.codes/>. Accessed September 2022.
- Federal Emergency Management Agency.** National Flood Hazard Map (Panel 06023C0170F, effective November 4, 2016). <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed September 2022.
- Meyer, Jack.** 2013. A Geoarchaeological Overview and Assessment of Northeast California: Cultural Resources Inventory of Caltrans District 2 Rural Conventional Highways: Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Vols. 1-2. Far Western Anthropological Research Group, Inc. Report on file at Caltrans District 2 Office, Redding.
- State of California, Department of Conservation.** 2019. California Geological Survey. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed September 2022.
- _____. Farmland Mapping and Monitoring Program. 2019. California Important Farmland Maps. <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed September 2022.
- _____. California Geological Survey. 2019. Earthquake Zones of Required Investigation. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed September 2022.
- U.S. Department of Agriculture, Natural Resource Conservation Service.** 2019. Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed September 2022.
- _____. 2008. Soil Survey of Redwood National & State Parks, California. <https://nrcs.app.box.com/s/33gxkiz34ss3pbvcerixev0wz547r0u0/folder/167181634753?sortColumn=name&sortDirection=DESC>. Accessed September 2022.
- U.S. Fish and Wildlife Service.** IPaC Resource List: Threatened and Endangered Species, and Birds of Conservation Concern. September 2022.
- U.S. Geological Survey.** 2010. Interactive Fault Map. <http://maps.conservation.ca.gov/cgs/fam/>. Accessed September 2022.