

JOHNSVILLE PUBLIC UTILITY DISTRICT DISTRICT ENGINEER STAFF REPORT

AGENDA TITLE: **Adopt resolution finding the Water Tank Improvement and Liquid Chlorination Project exempt from the California Environmental Quality Act and directing the filing of a Notice of Exemption.** [*described as: Construct two 100,000 gallon steel water tanks at the existing tank farm in the approximate same footprint as the two exiting 88,000 gallon redwood tanks, connect new tanks to existing water distribution lines, install liquid chlorination facilities (which replaces the existing gas chlorination facility) potentially within the existing water treatment plant building or place said new chlorination facilities in a separate new or existing structure adjacent/near to water treatment plant facilities. The existing access road will be graded (minor) for construction vehicles, although large delivery trucks will not be able to access the tank site due to the tight alignment and steep grades. Tank shell components, large materials and concrete will be shuttled to the tank farm site with smaller equipment. A State Park service gate will be installed near the end of Eureka Street.*]

MEETING DATE: **June 27, 2020**

PREPARED BY: **Daniel B. Bastian**

DEPARTMENT: **District Engineer**

RECOMMENDED ACTION:

Staff recommends the Board of Directors adopt Resolution 2020-1:

- 1) Finding the Water Tank Improvement and Liquid Chlorination Project

(Project) exempt from the California Environmental Quality Act (CEQA) and directing the filing of a Notice of Exemption (NOE); and

2) Authorizing the Chairman to execute the NOE.

BACKGROUND INFORMATION:

Water Tank Improvement and Liquid Chlorination Project is described under the Agenda Title. A USDA application for project funding and easements from the State Park require that CEQA be satisfied.

The preliminary Project was evaluated for potential adverse environmental effects and circulated to responsible agencies for early consultation. The results of that process are noted in the section titled “ENVIRONMENTAL REVIEW” on the following page.

In order to advance the Project to pursuing funding and acquisition of tank farm/access easements, the environment review must be completed and accepted by the Board of Directors via Resolution 2020-1 and eventually by USDA and State parks. A Notice of Exemption has also been prepared for Board of Director consideration.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” This Water Tank Improvement and Liquid Chlorination Project is defined as a “project” under CEQA.

The District Engineer has prepared the preliminary Project concept to determine the required level of review under CEQA. Early consultation letters were sent to responsible agencies and the State Office of Planning and Research (OPR) with the preliminary concept (copies of correspondence of the early consultation comment responses are attached.) OPR creates a State Clearing House Number and distributes the early consultation documents to agencies they deem to have a responsible interest.

The District Engineer has determined that the proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15302 (Class 2, Replacement or Reconstruction), 15304 (Class 4 – Minor Alterations to Land.

One responsible-responding agency (California Department of Fish and Wildlife, email attached) indicated the following: *"CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, portions of the Project will be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.)"*

Said agency expresses recommendations on evaluating the Environmental Setting, Impact Assessment, Lake and Streambed Alteration, and Migratory Birds. The CDFW email seems to refer to an EIR for the CEQA document and does not acknowledge the Early Consultation that the District Engineer determined the Project to be exempt from CEQA. I have attached the letter prepared by the USFS District Biologist, Rachel Bauer, that addresses endangered species, California Natural Diversity Database (CNDDDB) and the environmental setting. In all fish and wildlife elements, Ms. Bauer indicates that the Project will have **No Effect** on sensitive species.

Said CDFW email also indicates that fees are required.

The mentioned CDFW filing fee will be waived if a project will have no effect on fish and wildlife (see Fish and Game Code section 711.4(c)(2)(A)). Additionally, projects that are statutorily or categorically exempt from CEQA are not subject to the filing fee, and do not require a no effect determination by CDFW (CEQA Guidelines Sections 15260 through 15333, CCR Title 14, Fish and Game Code Section 711.4(d)(1)).

Based on the District Engineer's determination, this Project is Categorically Exempt and not subject to the fee mentioned in the CDFW's email.

Said CDFW email indicates: *"Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov."*

Public Resource Code 21092 states: *"(a) A lead agency that is preparing an environmental impact report or a negative declaration or making a determination pursuant to subdivision (c) of Section 21157.1 shall provide public notice of that fact within a reasonable period of time prior to*

*certification of the environmental impact report, adoption of the negative declaration, or making the determination pursuant to subdivision (c) of Section 21157.1.” **The District is not preparing an EIR or MND -what has been prepared is a Notice of Exemption.***

Additionally, 21157.1(c) states: “Lead agencies may develop and implement a fee program in accordance with applicable provisions of law to generate the revenue necessary to prepare a master environmental impact report.”

I conclude that adequate review of the items addressed in the CDFW email have been made and the requested fee and reporting are not required.

Other comments received can be incorporated into the design documents to address their concerns.

Therefore, the District Engineer recommends that the Board of Directors find that the proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Sections:

- 15302. This exemption applies to replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
- 15304. This exemption applies to projects of minor public alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.

ATTACHMENTS:

1. Resolution
2. Agency Comments
3. Notice of Exemption

ATTACHMENT 1

RESOLUTION 2020-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOHNSVILLE PUBLIC UTILITY DISTRICT FINDING THAT THE WATER TANK IMPROVEMENT AND LIQUID CHLORINATION PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DIRECTING THE FILING OF A NOTICE OF EXEMPTION

WHEREAS, The Water Tank Improvement and Liquid Chlorination Project includes construction of two 100,000 gallon steel water tanks at the existing tank farm in the approximate same footprint as the two exiting 88,000 gallon redwood tanks, connect new tanks to existing water distribution lines, install liquid chlorination facilities (which replaces the existing gas chlorination facility) potentially within the existing water treatment plant building or place said new chlorination facilities in a separate new or existing structure adjacent/near to water treatment plant facilities. The existing access road will be graded (minor) for construction vehicles, although large delivery trucks will not be able to access the tank site due to the tight alignment and steep grades. Tank shell components, large materials and concrete will be shuttled to the tank farm site with smaller equipment. A State Park service gate will be installed near the end of Eureka Street; and

WHEREAS, the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, herein after CEQA) requires that Lead Agencies consider the environmental consequences of their actions before approving a project; and

WHEREAS, the Project is a project under CEQA; and

WHEREAS, Section 15302 (Replacement or Reconstruction) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) applies to replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and

WHEREAS, Section 15304 (Minor Alterations to Land) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) applies to projects of minor public alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees and the creation of bicycle lanes on existing rights-of-way; and

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF DIRECTORS of the JOHNSVILLE PUBLIC UTILITY DISTRICT hereby finds this project exempt from CEQA pursuant to State CEQA Guidelines Sections 15302 and 15304.

Finding: The proposed project is exempt from CEQA pursuant to sections 15302 and 15304 of the State CEQA Guidelines.

Evidence:

The proposed project is exempt from CEQA under State CEQA Guidelines Section 15302. This exemption applies to replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The proposed project is exempt from CEQA under State CEQA Guidelines Section 15304. This exemption applies to projects of minor public alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.

The Project consists of constructing construct two 100,000 gallon steel water tanks at the existing tank farm in the approximate same footprint as the two exiting 88,000 gallon redwood tanks and installing liquid chlorination facilities (which replaces the existing gas chlorination facility) potentially within the existing water treatment plant building or placing said new chlorination facilities in a separate new or existing structure adjacent/near to water treatment plant facilities. The proposed improvements would include minor alteration of existing facilities and involve negligible expansion of existing uses. No special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore, the project is exempt.

AND BE IT RESOLVED that the BOARD OF DIRECTORS of the JOHNSVILLE PUBLIC UTILITY DISTRICT hereby:

- 1) Authorizes the Board Chairman to execute the Notice of Exemption and file same with the Plumas County Clerk.

PASSED, APPROVED AND ADOPTED this 27th day of June 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chairman, David Piepho

I, Melissa Sheets, Board Clerk of the JOHNSVILLE PUBLIC UTILITY DISTRICT, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the BOARD OF DIRECTORS of the JOHNSVILLE PUBLIC UTILITY DISTRICT at a regular meeting thereof held on June 27, 2020.

BOARD CLERK, Melissa Sheets

ATTACHMENT 2



United States
Department of
Agriculture

Forest
Service

Plumas National Forest
Beckwourth Ranger District

P.O. Box 7
23 Mohawk Road
Blairsdon, CA 96103
530-836-2575
TDD: 530-534-7984
Fax: 530-836-0493

File Code: 2600
Date: December 19, 2019

Subject: Johnsville Water Tank Replacement

To: Daniel Bastian, Johnsville Public Utilities District Engineer

Three species listed under the Federal Endangered Species Act have been identified as potentially occurring in the Johnsville Water Tank Replacement Project area: California red-legged frog (*Rana draytonii*, threatened), Sierra Nevada yellow-legged frog (*Rana sierra*, endangered), and delta smelt (*Hypomesus transpacificus*, threatened). However, the project is outside the range of occurrence for both California red-legged frogs and delta smelt, and therefore there would be **No Effect** to these species. The project is within the range of Sierra Nevada yellow-legged frogs.

During the removal of an existing water tank and construction of a new water tank, any impact to Sierra Nevada yellow-legged frogs would likely stem from construction activities in or near any perennial water sources or intermittent streams with perennial pools. The closest suitable habitat is an intermittent drainage approximately 85 meters (279 feet) to the south of the existing water tanks. Other nearby suitable habitat is located in Jamison Creek approximately 210 meters (689 feet) west of the existing water tanks. The nearest known occupied habitat is approximately 6.5 miles from the project area, straight line distance.

There is a depression in the ground approximately 20 meters (66 feet) from the tanks that occasionally holds water but does not hold water year-round. During a site visit on October 19, 2019, by a qualified USFS Wildlife Technician, there was no standing water within the depression; however, there were moist soils and riparian vegetation, indicating the presence of sub-surface water. There is an ephemeral drainage leading into and out of the depression. Because the depression does not have perennial water present, and is not connected to a perennial or intermittent water source, it is not considered suitable habitat for Sierra Nevada yellow-legged frogs.

It is my determination that the removal of an existing water tank and placement of a larger water tank in the same area will have **No Effect** to the Sierra Nevada yellow-legged frog.

Sincerely,

RACHEL BAUER
District Wildlife Biologist



6/16/2020

Gmail - CDFW Comments – Water Tank Improvement and Liquid Chlorination Project - Early Consultation/Project Review



Daniel Bastian <bastianengineeringinc@gmail.com>

CDFW Comments – Water Tank Improvement and Liquid Chlorination Project - Early Consultation/Project Review

1 message

Kearns, Zachary@Wildlife <Zachary.Kearns@wildlife.ca.gov>
To: "bastianengineeringinc@gmail.com" <bastianengineeringinc@gmail.com>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>

Fri, Jun 12, 2020 at 10:28 AM

Subject: CDFW Comments – Water Tank Improvement and Liquid Chlorination Project - Early Consultation/Project Review

Greetings Mr. Bastian,

The California Department of Fish and Wildlife (CDFW) received and reviewed an Early Consultation / Project Review for Johnsonville Public Utility District's Water Tank Improvement and Liquid Chlorination Project (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, portions of the Project will be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Environmental Setting

CDFW recommends three progressive steps in Project impact evaluations for CEQA documents: habitat assessment, detection surveys, and impact assessment in evaluating whether Projects will have impacts to special status species. The information gained from these steps will inform any subsequent avoidance, minimization and mitigation measures. The steps for Project impact evaluations are: 1) habitat assessment, 2) surveys, and 3) impact assessment. Habitat assessments are conducted to evaluate the likelihood that a site supports wildlife species and their habitats. Detection surveys provide information needed to determine the potential effects of proposed Projects and activities on those species and habitats. Impact assessments evaluate the extent to which wildlife species and their habitat may be impacted directly or indirectly, on and within a reasonable distance of proposed CEQA Project activities. CDFW recommends the CEQA document include a complete environmental assessment of the existing biological conditions within the Project area including but not limited to the type, quantity and locations of the habitats, flora and fauna. Maps and information regarding the habitat assessment and survey efforts should be included within the CEQA document. Any surveys of the biological conditions and related environmental analysis should be completed by qualified personnel with sufficient experience in the wildlife and habitats associated with the Project.

To identify a correct environmental baseline, the CEQA document should include a complete and current analysis of the likelihood of presence of endangered, threatened, candidate, and locally unique species potentially present in or near the Project area. CEQA guidelines § 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. This includes, but is not limited to vernal pools, streambeds, riparian habitats, and open grasslands that are known to be present within the Project boundaries or its

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Gmail - CDFW Comments – Water Tank Improvement and Liquid Chlorination Project - Early Consultation/Project Review

vicinity. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed Project will affect their function and value.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. Recent surveys for the different species that have the potential to be present within the Project limits and its vicinity shall be included within the CEQA document. Additional information regarding survey protocols can be obtained by contacting CDFW.

Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the lead agency use the appropriate species survey and monitoring protocols and guidelines available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols> and that any assessments for rare plants and rare natural communities follow CDFW's 2018, *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. The guidance document is available here:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. Alternative survey protocols may be warranted and justification should be provided to substantiate why an alternative protocol is needed.

Impact Assessment

Based on habitat assessments and survey results, the CEQA document should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources, including all direct and foreseeable indirect impacts caused by the proposed Project. These assessments should also consider how general terrain will be altered and if species will still be able to utilize the area after Project activities have concluded.

The CEQA document should evaluate the long-term viability of the site as habitat once the construction is complete and considering the impacts to the habitat from the proposed day to day operations. Additionally, the CEQA document should also describe the predicted impacts from a full site decommission once the site is no longer in use.

The CEQA document should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f).) The CEQA document must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must allow the significant effects of the Project to be considered in the full environmental context. CDFW also recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual Projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines Section 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

The CEQA document should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The CEQA document should include a list of present, past, and probable future Projects producing related impacts to resources under CDFW's management or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects.

The CEQA document should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the CEQA document should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

Lake and Streambed Alteration

Pursuant to Fish & G. Code, § 1600 et seq., notification to CDFW is required if a Project's activities may substantially divert or obstruct the natural flow of water; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. In these cases, the CEQA document should propose mitigation measures to avoid, minimize, and mitigate impacts to fish and wildlife resources from these activities. The Project encompasses activities that include but are not limited to: the installation or replacement of bridges, culverts, outfalls, grading, and riparian vegetation removal, which are subject to Notification under Section 1602 of the Fish and Game Code. CDFW recommends the CEQA document clearly state that notification under Fish and Game Code 1602 is required. CDFW encourages Project proponents to notify as early as possible to ensure adequate time to process future permits.

CDFW's ability to issue Lake and Streambed Alteration Agreements in a timely manner is facilitated when the environmental document specifically describes Project impacts and proposes measures to avoid, minimize, and mitigate impacts to perennial, intermittent, and ephemeral rivers, streams, and lakes, and any associated biological resources/habitats present within the Project study area. The CEQA document should identify impacts to fish and wildlife resources dependent on those hydrologic features and habitat types. The analysis should overlay all Project activities over the habitat types and hydrologic features to determine where and to what extent they overlap. And finally, use the overlapping areas to estimate, by habitat type, the acreages that will be temporarily and/or permanently directly, indirectly or cumulatively impacted by the proposed Project. CDFW relies on the Lead Agency environmental analysis when acting as a responsible agency when issuing a Lake or Streambed Alteration Agreement for a Project.

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Threatened, Endangered, Candidate Species

If preconstruction surveys detect presence of state listed species and the Project is likely to result in "take", as defined in the Fish & G. Code, section 86, an incidental take permit (ITP)(Fish & G. Code, § 2081) may be obtained prior to starting Project activities. CDFW recommends the CEQA document analyze potential activities that may impact special status species and include appropriate avoidance, minimization, and/or mitigation measures to reduce impact to the species.

Migratory Birds

Migratory bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the section 3513 of the Fish and Game Code. Fish and Game Code sections 3503, 3503.5, and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. CDFW recommends the CEQA document analyze potential activities that may impact migratory and local nongame birds. Appropriate avoidance, minimization, and/or mitigation measures to reduce impact should also be included. Measures to avoid the impacts can include species-specific work windows, bird surveys, biological monitoring, installation of noise attenuation barriers, etc. As a part of the CEQA document, CDFW recommends identifying any trees slated for removal and said trees be properly analyzed for potential impacts to nesting birds. Likewise, any plans for the plantings of new trees should also be included with the number and species to be planted. CDFW recommends using native California species to the greatest extent possible.

Additionally, all measures to protect nesting birds should be performance-based. CDFW recommends including performance-based protection measures instead of set buffers for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. Below is an example of a performance-based protection measure:

Should Project activities cause the nesting migratory bird or raptor to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then increase the exclusionary buffer so that activities are far enough from the nest to stop this agitated behavior by the migratory bird or raptor. The exclusionary buffer should remain in place until the chicks have fledged, are feeding independently and are no longer dependent on the nest as determined by a qualified biologist.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, the CEQA document should require the reporting of any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. The completed form can be sent electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov and R2CEQA@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, [1701 Nimbus Road, Rancho Cordova, CA 95670](#) or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Please direct any questions regarding these comments to Zach Kearns, Environmental Scientist at 916-358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

Zach Kearns

Environmental Scientist

(916) 358-1134

[1701 Nimbus Rd.](#)

[Rancho Cordova, CA 95670](#)

6/16/2020

Gmail - CEQA Comment Letter Water Tank Improvement and Liquid Chlorination Project



Daniel Bastian <bastianengineeringinc@gmail.com>

CEQA Comment Letter Water Tank Improvement and Liquid Chlorination Project

1 message

Behnke, Debbie@Waterboards <Debbie.Behnke@waterboards.ca.gov>

Tue, May 26, 2020 at 11:22 AM

To: "bastianengineeringinc@gmail.com" <bastianengineeringinc@gmail.com>

Cc: "Coster, Lynn@Waterboards" <Lynn.Coster@waterboards.ca.gov>, "Ferguson, Jerred@Waterboards" <Jerred.Ferguson@waterboards.ca.gov>

Hello,

Please see the attached file.

Thank you,

Debbie Behnke

Debbie

Central Valley Water Board

364 Knollcrest Drive, Suite 205

Redding, CA 96002

Phone: 530-224-4845

Fax: 530-224-4857

<http://www.waterboards.ca.gov/centralvalley/>



 **CEQA Comment Letter Water Tank Improvement and Liquid Chlorination Project.pdf**
247K



Central Valley Regional Water Quality Control Board

26 May 2020

Daniel Bastian
Johnsville Public Utility District
211 Poplar Valley Road
Johnsville, CA 96103

COMMENTS ON THE EARLY CONSULTATION FOR THE WATER TANK IMPROVEMENT AND LIQUID CHLORINATION PROJECT, STATE CLEARINGHOUSE NUMBER 2020059030, JOHNSVILLE, PLUMAS COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 19 May 2020, we received your request for comments on the Early Consultation for the Water Tank Improvement and Liquid Chlorination Project (Project).

The applicant proposes to construct two 100,000-gallon bolted steel water tanks at the existing tank farm in the approximate same footprint as the two exiting 88,000 gallon redwood tanks, connect new tanks to existing water distribution lines, install liquid chlorination facilities (which replaces the existing gas chlorination facility) potentially within the existing water treatment plant building or place the new chlorination facilities in a separate new structure adjacent to water treatment plant facilities. The existing access road will be graded (minor) for construction vehicles. Tank shell components, large materials and concrete will be shuttled to the tank farm site with smaller equipment. A State Park service gate will be installed. The Project site is located at Assessor's Parcel Numbers 006-031-006 and 006-190-004 on Main Street and Eureka State Park.

Based on our review of the information submitted for the proposed project, we have the following comments:

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Water Tank Improvement and
Liquid Chlorination Project

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26 May 2020

information on the CGP can be found on the State Water Board website [Water Boards
Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at Jerred.Ferguson@waterboards.ca.gov.

Jerred Ferguson for

Jerred Ferguson
Environmental Scientist
Storm Water & Water Quality Certification Unit

JTF: db

6/16/2020

Gmail - Response to the Johnsville Public Utility District Water Tank Improvement and Liquid Chlorination Project



Daniel Bastian <bastianengineeringinc@gmail.com>

Response to the Johnsville Public Utility District Water Tank Improvement and Liquid Chlorination Project

2 messages

Evans, Tim <TimEvans@countyofplumas.com>

Mon, Jun 15, 2020 at 11:47 AM

To: Daniel Bastian <bastianengineeringinc@gmail.com>

Cc: "Ferguson, Tracey" <TraceyFerguson@countyofplumas.com>, "Herrin, Becky" <BeckyHerrin@countyofplumas.com>

Good Morning,

This email is in response to the "Early Consultation / Project Review Routing Sheet" received by the Plumas County Planning Department on May 18, 2020 for the Johnsville Public Utility District Water Tank Improvement and Liquid Chlorination Project located on APN 006-031-006 (5267 Main Street, Johnsville, CA 96103) and APN 006-190-004 (Eureka State Park).

The Plumas County Planning Department has no comment on this project.

Attached to this email is the completed "Early Consultation / Project Review Routing Sheet."

Sincerely,

Tim Evans

Associate Planner

Plumas County Planning & Building Services

Direct Line: (530) 283 - 6207

Fax: (530) 283 - 6134



Early Consultation and Project Review Routing Sheet.pdf

2413K

Daniel Bastian <bastianengineeringinc@gmail.com>

Mon, Jun 15, 2020 at 12:37 PM

To: "Evans, Tim" <TimEvans@countyofplumas.com>

Thanks Tim

[Quoted text hidden]

Daniel B. Bastian
Bastian Engineering, Inc.
211 Poplar Valley Rd.
Blairden, CA 96103

(530) 249-0468
bastianengineeringinc@gmail.com

Confidentiality Statement:

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PLUMAS COUNTY DEPARTMENT OF PUBLIC WORKS

1834 East Main Street, Quincy, CA 95971 – Telephone (530) 283-6268 Facsimile (530) 283-6323
Robert A. Perreault Jr., P.E., Director John Mannle, P.E., Asst. Director Joe Blackwell, Deputy Director



Memorandum

Date: June 11, 2020

To: Dan Bastian, District Engineer
Johnsville PUD

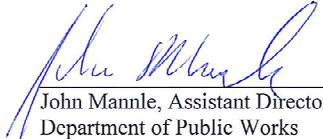
From: John Mannle, Assistant Director

Re: Response to Early Consultation for the Johnsville Water Tank Improvement and Liquid Chlorination Project

Thank you for providing the opportunity for early consultation on the project. The Department of Public Works has reviewed the information submitted as part of the Early Consultation request for the Johnsville Water Tank Improvement and Liquid Chlorination Project.

The Department of Public Works has concerns with potential impacts associated with the grading activities and drainage impacts in the Johnsville area near the State Park facilities and on Gracagle-Johnsville Road. Public Works staff has concluded that the project description lacks sufficient detail in order to evaluate potential impacts associated with any grading activities and any changes to drainage run-off involved with the project site.

The Department of Public Works requests adequate grading and drainage details so that on-site and off-site impacts of the project can be adequately assessed and mitigated.


John Mannle, Assistant Director
Department of Public Works

Cc: Bob Perreault, Director
Joe Blackwell, Deputy Director
Jim Graham, Senior Environmental Planner
Jeff Engel, Supervisor, District 5

6/16/2020

Gmail - PCPW Response to Early Consultation - Johnsville Water Tank Replacement



Daniel Bastian <bastianengineeringinc@gmail.com>

PCPW Response to Early Consultation - Johnsville Water Tank Replacement

3 messages

Graham, Jim <JimGraham@countyofplumas.com>

Thu, Jun 11, 2020 at 10:04 AM

To: "bastianengineeringinc@gmail.com" <bastianengineeringinc@gmail.com>

Cc: "Ferguson, Tracey" <TraceyFerguson@countyofplumas.com>, "White, Charles" <CharlesWhite@countyofplumas.com>, "Jeff Engel - BOS - District 5 (engel.dist.5@gmail.com)" <engel.dist.5@gmail.com>, "Perreault, Bob" <BobPerreault@countyofplumas.com>, "Blackwell, Joe" <JoeBlackwell@countyofplumas.com>, "Herrin, Becky" <BeckyHerrin@countyofplumas.com>

Hi Dan,

Attached is Public Works response to your request for early consultation associated with the Johnsville Water Tank Replacement Project.

If you have any questions, please feel free to contact me.

James Graham

Senior Environmental Planner

Plumas County Department of Public Works

jimgraham@countyofplumas.com

(530) 283-6169



PCPW Response to Early Consultation Johnsville Water Tank Replacement - 6-11-2020.pdf

367K

Daniel Bastian <bastianengineeringinc@gmail.com>

Thu, Jun 11, 2020 at 10:39 AM

To: "Graham, Jim" <JimGraham@countyofplumas.com>

Cc: "Mannle, John" <JohnMannle@countyofplumas.com>

Bcc: John LaTourrette <jalatour@sbcglobal.net>, dave hartwell <dave.hartwell52@gmail.com>, David Piepho <davidpiepho@gmail.com>

Thanks Jim.

The project does not anticipate any grading, other than rebuilding the water tank foundations. I'll spec BMPs so storm water runoff does not come down the hill. There is a depression at the top of the hill now (an old 6' deep dry pond...maybe 10,000 s.f. in size, by the tank farm, that stormwater can be retained, if required (it's where tank overflow goes right now). The access road to the tanks is too steep and the alignment is too tight for delivery of large shell components, so no grading is proposed there either. The State Park does not want us to do any grading - except for the tank foundations. The contractor will have to "walk" any large materials up the hill with smaller equipment.

Nothing is planned to change at the water treatment plant by the County road. In short, no grading is anticipated that would adversely affect the County. Hope this helps.

[Quoted text hidden]

--

Daniel B. Bastian
Bastian Engineering, Inc.
211 Poplar Valley Rd.
Blairsden, CA 96103

(530) 249-0468

bastianengineeringinc@gmail.com

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6/16/2020

Gmail - PCPW Response to Early Consultation - Johnsville Water Tank Replacement

Graham, Jim <JimGraham@countyofplumas.com>
To: Daniel Bastian <bastianengineeringinc@gmail.com>
Cc: "Mannle, John" <JohnMannle@countyofplumas.com>, "Perreault, Bob" <BobPerreault@countyofplumas.com>, "Ferguson, Tracey" <TraceyFerguson@countyofplumas.com>, "White, Charles" <CharlesWhite@countyofplumas.com>

Thu, Jun 11, 2020 at 10:48 AM

Thanks Dan.

I'll share your response with other PCPW staff and let you know if we have further concerns.

James Graham
Senior Environmental Planner
Plumas County Department of Public Works
jimgraham@countyofplumas.com
(530) 283-6169

[Quoted text hidden]

6/16/2020

Gmail - Johnsville water tank project



Daniel Bastian <bastianengineeringinc@gmail.com>

Johnsville water tank project

2 messages

Matt Brubaker <mbrubaker@psrec.coop>
To: "bastianengineeringinc@gmail.com" <bastianengineeringinc@gmail.com>

Wed, May 20, 2020 at 1:08 PM

Hi Dan,

I received your project review sheet for the new water tanks in Johnsville - thank you. At this time PSREC has no comment on the project.

Please let me know if you need anything else from me.

Matt



Matt Brubaker | Staking Engineer
800.555.2207 X6066 | mbrubaker@psrec.coop | www.psrec.coop

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Daniel Bastian <bastianengineeringinc@gmail.com>
To: Matt Brubaker <mbrubaker@psrec.coop>

Wed, May 20, 2020 at 1:43 PM

Thank you!
[Quoted text hidden]

--
Daniel B. Bastian
Bastian Engineering, Inc.
211 Poplar Valley Rd.
Blairden, CA 96103

(530) 249-0468
bastianengineeringinc@gmail.com

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6/16/2020

Gmail - Water Tank Improvement and Liquid Chlorination Project



Daniel Bastian <bastianengineeringinc@gmail.com>

Water Tank Improvement and Liquid Chlorination Project

1 message

Benato, Cynthia@DTSC <Cynthia.Benato@dtsc.ca.gov>

Mon, Jun 8, 2020 at 2:58 PM

To: "bastianengineeringinc@gmail.com" <bastianengineeringinc@gmail.com>

Cc: "State.clearinghouse@opr.ca.gov" <State.clearinghouse@opr.ca.gov>, "Jameson, Lora@DTSC" <Lora.Jameson@dtsc.ca.gov>, "Kereazis, Dave@DTSC" <Dave.Kereazis@dtsc.ca.gov>, "McCreary, Gavin@DTSC" <Gavin.McCreary@dtsc.ca.gov>

Good Afternoon,

Please see the attached DTSC Letter regarding the Early Consultation For Water Tank Improvement And Liquid Chlorination Process – Dated May 14, 2020 (State Clearinghouse Number: 2020059030).

If you have any questions, please contact Project Manager Gavin McCreary via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Cynthia Benato

 **Water Tank Improvement and Liquid Chlorination Project.pdf**
171K



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

June 8, 2020

Ms. Daniel Bastian
Johnsville Public Utility Works
211 Poplar Valley Road
Johnsville, California 96103
bastianengineeringinc@gmail.com

EARLY CONSULTATION FOR WATER TANK IMPROVEMENT AND LIQUID CHLORINATION PROCESS – DATED MAY 14, 2020 (STATE CLEARINGHOUSE NUMBER: 2020059030)

Dear Mr. Bastian:

The Department of Toxic Substances Control (DTSC) received a notice for Early Consultation for the Water Tank Improvement and Liquid Chlorination Project. The proposed project includes the construction of two 100,000 gallon bolted steel water tanks at the existing tank farm in the approximate same footprint as the two existing 88,000 gallon redwood tanks, and the connection of new tanks to existing water distribution lines. The proposed project also includes the installation of liquid chlorination facilities (which replace the existing gas chlorination facility) either within the existing water treatment plant building or facilities in a separate new structure adjacent/near to water treatment plant facilities. The existing access road will be graded for construction vehicles, although large delivery trucks will not be able to access the tank site due to the tight alignment and steep grades. Tank shell components, large materials and concrete will be shuttled to the tank farm site with smaller equipment.

DTSC recommends that the following issues be evaluated in the Initial Study (IS) Hazards and Hazardous Materials section:

1. The IS should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The IS should also identify the mechanism(s) to initiate any

Ms. Daniel Bastian
June 8, 2020
Page 2

required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the IS.
3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the IS. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the IS. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third*

Ms. Daniel Bastian
June 8, 2020
Page 3

Revision) (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Aq-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the project. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

ATTACHMENT 3

Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Plumas

From: (Public Agency): Johnsville PUD

(Address)

Project Title: Water Tank Improvement and Liquid Chlorination Project
Project Applicant: Johnsville PUD

Project Location - Specific:
Property Address/Location: APNs 006-031-006 (5267 Main Street, Johnsville, CA. 96103) & 006-190-004 (Eureka State Park)

Project Location - City: Johnsville Project Location - County: Plumas

Description of Nature, Purpose and Beneficiaries of Project:
Construct two 100,000 gallon steel water tanks at the existing tank farm in the approximate same footprint as the two exiting 88,000 gallon redwood tanks and install liquid chlorination facilities (which replaces the existing gas chlorination facility) potentially within the existing building or new building

Name of Public Agency Approving Project: Johnsville PUD
Name of Person or Agency Carrying Out Project: David Piepho

Exempt Status: **(check one):**
 Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21035(d)(3), 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption. State type and section number: 15302 Class 2, 15304 Class 4
 Statutory Exemptions. State code number: _____

Reasons why project is exempt:
The proposed project is exempt from CEQA under State CEQA Guidelines Section 15302 and 15304. This exemption applies to replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Lead Agency
Contact Person: Daniel Bastian Area Code/Telephone/Extension: 5302490468

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.