



# ATTACHMENT E

## MITIGATED NEGATIVE DECLARATION

Project Number E 14-01

### Shasta Lake Wastewater Treatment Facility Upgrade

#### **SUBJECT**

**E 14-01 Shasta Lake Waste Water Treatment Facility Upgrade Project**

#### **PROJECT LOCATION**

The WWTF is located in the southwest section of the City of Shasta Lake; Section 1, Township 32 North, Range 5 West, Mount Diablo Meridian. The study area is bounded on the north, by Pine Grove Avenue, Ashby Road to the west, and Churn Creek, a perennial stream that is a direct tributary to the Sacramento River, to the east. The centroid of the study area is 40° 39' 46.7" North, 122° 23' 00.4" West.

**Assessor's Parcel Numbers:** 064-150-070-000, 064-160-005-000, and 064-160-007-000.

#### **PROJECT DESCRIPTION**

The Proposed Project consists of various upgrades to the existing WWTF that are required to treat raw wastewater to a level that is compliant with the 2014 NPDES Permit. The Proposed Project includes a new effluent discharge pipeline, cascade re-aeration structure, and replacement of the primary outfall into Churn Creek (discharge point 001). The secondary outfall into Churn Creek (discharge point 002) would be abandoned in place. Additionally, the spray fields and 400-acre-foot reclaimed water reservoir would be taken off line and abandoned in place. With the exception of the improvements to the effluent pipeline and outfall structure in the riparian area of Churn Creek, the majority of proposed improvements would take place within the existing development footprint of the WWTF. A detailed description of these modifications is provided in Section 3.4.2 of the Initial Study.

#### **ENVIRONMENTAL SETTING**

The site is currently used for the existing WWTF and supporting infrastructure. Land uses adjacent to the WWTF site consist of an industrial park, residential development, and open space. Immediately adjacent to the property to the west and south is the Shasta Lake City Animal Control Facility, Knauf Fiberglass plant, Pivotal Directions training facility, and the Shasta Lake Heritage & Historical Society which is part of the Incubator Building in the Industrial Park. A mature riparian corridor located along the banks of Churn Creek creates a natural buffer between the project site and the existing residential developments located approximately north and east of the existing WWTF. The residential development to the southeast of the WWTF is located at an elevation approximately 20 feet higher than the WWTF.

## **FINDINGS AND DETERMINATION**

The City of Shasta Lake completed an Initial Study (attached), which determined that the proposed project could not have significant environmental effects. The project avoids the potentially significant environmental effects identified, and the preparation of an Environmental Impact Report will not be required. There is no substantial evidence, in light of the whole record before the City, that the project, as revised, may have a significant effect on the environment. If there are substantial changes that alter the character or impacts of the proposed project, another environmental impact determination will be necessary.

1. **Based on the whole record (including the Initial Study and any supporting documentation), the City of Shasta Lake has determined that there is no substantial evidence that the project will have a significant effect on the environment.**
2. **The Mitigated Negative Declaration, with its supporting documentation, reflects the independent judgment and analysis of the lead agency, which is the City of Shasta Lake.**

## **DOCUMENTATION**

The Initial Study documents the reasons to support the above determination. Exhibits to the Initial Study including the following documentation:

Appendix A	NPDES Permit No CA 0079511 and Time Schedule Order R5-2014-0053
Appendix B	City of Shasta Lake WWTF Improvements for Direct Discharge to Churn Creek
Appendix C	Air Quality and GHG (Greenhouse Gas) Model Runs
Appendix D	Biological Resources Assessment (BRA)
Appendix E	Biological Assessment (BA) and Essential Fish Habitat Assessment (EFHA)
Appendix F	Wetland Delineation Report
Appendix G	California Red-Legged Frog (CRLF) Assessment
Appendix H	Arborist Report
Appendix I	Floodplain Analysis
Appendix J	Noise Measurement Data

## **MITIGATION MEASURES**

### **Air Quality**

**AQ-1** The City shall ensure through contractual obligations that the following SCAQMD and City Standard Mitigation Measures shall be implemented during construction:

- a. During land moving operations water exposed areas at least two times per day. Watering can be done using either potable or tertiary treated water.
- b. Reduce vehicle speeds on unpaved roads to 15 miles per hour.
- c. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the SCAQMD. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- d. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.

- e. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.
- f. If land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.
- g. All inactive portions of the development site should be seeded and watered until a suitable grass cover is established.
- h. Approved non- toxic soil stabilizers (according to manufacturer's specifications) shall be applied to all inactive construction areas (previously graded areas which remain inactive for 96 hours).
- i. When construction activity occurs during wet weather, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip. Locations of wheel washers shall be identified and approved by the City Public Works Division prior to the issuance of any clearing or grading permits.
- j. All trucks hauling dirt, sand, soil or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. This provision shall be enforced by local law enforcement agencies.
- k. All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.
- l. Paved streets adjacent to the development site should be swept or washed at the end of each day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.
- m. Require the use of diesel particulate matter filters on construction equipment greater than 50 horsepower.
- n. Reestablish ground cover on the construction site through seeding and watering upon completion of construction.

### **Biological Resources**

**BIO-1** The following measures shall be implemented to avoid potential short-term adverse effects to waters of the U.S., riparian habitat, and special status fish species during construction activities associated with the Proposed Project:

- a. Minimize clearing and grading and cut-and-fill activities within the riparian area. The disturbance or removal of vegetation shall not exceed the minimum necessary to complete construction activities. Precautions shall be taken to avoid other damage to vegetation by people or equipment, including staking the riparian area with orange fencing to avoid unnecessary disturbance. The disturbed portions of the stream channel within the normal high water mark of the stream shall be restored to as near their original conditions as possible. Re-vegetation shall be completed as soon as possible after construction activities in those areas cease.
- b. The City shall obtain a Section 404 CWA permit from the Corps, a Section 401 Water Quality Certification from the RWQCB, and a 1600 SAA from the CDFW for construction activities within Churn Creek. All permit conditions shall be implemented. Best Management Practices shall be implemented to ensure that no pollutants will be discharged into jurisdictional waters. Full restoration of the site would mitigate for the temporary impacts of construction.

- c. Consultation with NMFS for impacts to fish and essential fish habitat will be conducted in accordance with Section 7 of the FESA and Magnusson Stevenson's Fisheries Act and any requirements resulting from that consultation will be adhered to.
- d. Implement Mitigation Measure HYD-1 to comply with the State's NPDES General Permit through preparation and implementation of a site specific SWPPP.

**BIO-2:** The following measures shall be implemented to avoid or minimize adverse impacts to western pond turtle during construction activities associated with the Proposed Project:

- a. A qualified biologist shall conduct a preconstruction survey within 14 days prior to commencement of construction activities anticipated to occur within 100 feet from riparian vegetation surrounding Churn Creek. A report shall be submitted to the City to document the reports of the preconstruction survey.
- b. Prior to commencement of any groundbreaking activities, all construction personnel will receive training on identification of western pond turtle and procedures to be implemented in the event that western pond turtle is encountered during construction activities.
- c. Prior to commencement of daily construction activities within a 100-foot buffer of riparian vegetation surrounding Churn Creek, a qualified biologist will conduct two preconstruction surveys for WPT. The first survey shall be conducted within 14 days prior to construction, and the second survey will be conducted within 24 hours prior to construction. If WPT is present, the qualified biologist will be allowed sufficient time to move the species from the work site before work activities begin.
- d. Because WPT may take refuge in cavity-like and den-like structures such as pipes and may enter stored pipes and become trapped, all construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected for these animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. ♣ In the event that WPT enters a 100 foot buffer of on-going construction activities, a qualified biologist shall be contacted and construction activities shall be placed on hold until the WPT is confirmed to have left the project area or is relocated by a qualified biologist.

**BIO-3:** The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the Proposed Project:

- a. For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist should conduct preconstruction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the City within 30 days following the survey. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 14 days.
- b. If any active special status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest. The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, and line-of-sight between the nest and disturbance. These buffers shall be no less than:
  - 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and
  - 2) A 250-100-foot buffer zone will be created around the nests of other migratory or special status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW based on existing conditions at the project site. A qualified biologist will monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities.

The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the City and CDFW following the fledging of the nestlings to document the results.

- c. If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed. BIO-4: The following mitigation measures shall be implemented to ensure preservation of the maximum number of protected trees within the study area and replacement for oak trees lost due to construction of the Proposed Project.

**BIO-4:** The following mitigation measures shall be implemented to ensure preservation of the maximum number of protected trees within the study area and replacement for oak trees lost due to construction of the Proposed Project:

- a. Final design of the Proposed Project shall avoid impacts to oak trees to the maximum extent feasible.
- b. Before the start of any clearing, excavation, construction, or other work on the site, the drip line of every tree designated for preservation shall be clearly delineated in the field. The delineation markers shall remain in place for the duration of all work. A plan shall be established for the removal and disposal of brush, earth, and other debris prior to construction and submitted to the City for approval in order to avoid injury to any protected tree which is to be saved.
- c. Where project construction will result in encroachment within the drip line of a protected tree, the following measures shall be incorporated to allow the roots to obtain oxygen, water, and nutrients.
  - 1) To reduce the effects of trenching, excavation, and equipment use within the drip line of trees to be preserved, construction methods should avoid exposing roots during hot, dry weather, and trenches should be backfilled as soon as possible with soil and soaked with water the same day. If trenches must be left open, all roots must be kept moist by wrapping them in peat moss and burlap.
  - 2) No roots greater than 2 inches in diameter shall be cut without the approval of an Arborist.
  - 3) Tunneling under roots is the approved alternative. Any approved excavation, demolition, or extraction of material shall be performed with equipment that is kept outside the drip line of preserved trees. Hand digging, hydraulic, or pneumatic excavation are permitted methods for excavation within the drip line.
- d. No storage of materials or substances that may be harmful to trees shall occur within the drip line of any protected tree.
- e. Tree removal should be avoided to the maximum extent feasible; however, in the event that avoidance is infeasible, the following tree-planting standard shall be adhered to consistent with Section 12.36.070 of the City of Shasta Lake Tree Protection Ordinance:
  - 1) A minimum of two 15-gallon trees shall be planted for every one protected tree removed.
  - 2) In addition to the previous measure, three 15-gallon trees shall be planted for each protected tree removed that exceeds ten inches DBH.
  - 3) The species of any tree used for replacement pursuant to the Tree Protection Ordinance shall be suited to the City's climate zone and be chosen with consideration of any site specific limitations. The use of native shade trees is preferred by not required. The replacement tree shall be planted in a manner that is recognized as a standard accepted practice unless a specific method is prescribed by an arborist.

### **Cultural Resources**

**CR-1:** In the event of any inadvertent discovery of archaeological resources, all such finds shall be subject to PRC 21083.2 and CEQA Guidelines 15064.5. Procedures for inadvertent discovery include the following:

- a. All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can evaluate the significance of the find in accordance with NRHP and CRHR criteria.
- b. If any find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the City shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action. If necessary, the Applicant shall provide a Treatment Plan, prepared by an archeologist (or paleontologist), outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan shall be submitted to the City for review and approval prior to resuming construction.
- c. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards. CR-2: In the event that human remains are encountered during construction activities, the City shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and PRC Section 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 Section 15064.5 (e) has been completed.

**CR-2:** In the event that human remains are encountered during construction activities, the City shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and PRC Section 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 Section 15064.5 (e) has been completed.

## **Geology and Soils**

### **GEO-1 Implement Mitigation Measure HYD-1.**

## **Hazards and Hazardous Materials**

**HAZ-1:** The City shall ensure through the enforcement of contractual obligations that all contractors transport, store, and handle construction-required hazardous materials in a manner consistent with relevant regulations and guidelines, which may include, but is not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using approved protocols.

**HAZ-2:** An accidental spill prevention and response plan shall be developed which will include a list of all hazardous materials used and/or stored on the project site during construction activities; appropriate information about initial spill response, containment, and cleanup strategies; and a list of appropriate City contact information. The spill prevention and response plan shall be included as a component of the SWPPP described in Mitigation Measure HYD-1. The plan shall require containment equipment and sufficient supplies to combat spills of oil or hazardous substances shall be on site at all times during construction.

**HAZ-3:** Construction staging shall be established a minimum distance of 100 feet away from Churn Creek and its unnamed tributary. The storage of construction materials, including oils and hazardous substances will be at a distance of 100 feet from all drainage courses to prevent spills from reaching the aquatic environment. No vehicle maintenance shall occur on-site during construction.

**HAZ-4:** During construction, staging areas, welding areas, or areas slated for development using spark producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break.

**HAZ-5:** Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

## Hydrology and Water Quality

**HYD-1:** The City shall comply with the SWRCB NPDES General Permit. The SWRCB requires that all construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the CWA. To comply with the NPDES permit, the City will file a Notice of Intent with the SWRCB and prepare a SWPPP prior to construction, which includes a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) including a description of the type and location of erosion and sediment control BMPs to be implemented at the project site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Proposed Project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to and throughout the rainy season. Water quality BMPs identified in the SWPPP could include, but are not limited to, the following:

- a. Areas where ground disturbance would occur shall be identified in advance of construction and limited to only approved areas.
- b. All vehicular construction traffic shall be confined to the designated access routes and staging areas. See Figure 4 for the location of potential staging areas.
- c. All equipment maintenance and cleaning shall be confined to staging areas. Staging areas utilized for equipment maintenance and cleaning shall be located a minimum of 100 feet from streams and waterways, including Churn Creek and its unnamed tributary. No vehicle maintenance shall occur on-site during construction.
- d. All supervisory construction personnel shall be informed of environmental concerns, permit conditions, and final project specifications. Said Personnel will be responsible for instructing all on-site work to meet the requirements of the SWPP including making sure all work is conducted outside of protected trees' drip lines to the extent possible.
- e. Restore disturbed areas to pre-construction contours to the fullest extent possible.
- f. Hay/straw bales and silt fences would be used to control erosion during stormwater runoff events. ♣ Salvage, store, and use the highest quality soil for native re-vegetation/seeding.
- g. Leave drainage gaps in topsoil and spoil piles to accommodate/reduce surface water runoff.
- h. Sediment control measures shall be in place prior to the onset of the rainy season and will be maintained until disturbed areas have been re-vegetated. Erosion control structures must be in place and operational at the end of each day if work activities are to occur during the rainy season.
- i. Fiber rolls shall be placed along the perimeter of disturbed areas to ensure sediment and other potential contaminants of concern are not transported off-site or to open trenches. Locations of fiber rolls will be field adjusted as needed and according to the advice of the certified SWPPP inspector.
- j. Vehicles and equipment stored in the construction staging area shall be inspected regularly for signs of leakage. Leak-prone equipment will be staged over an impervious surface or other suitable means will be provided to ensure containment of any leaks. Vehicle/equipment wash waters or solvents will not be discharged to surface waters or drainage areas.
- k. During the rainy season (October 1 through April 30) identified in Chapter 15.08.120 of the City of Shasta Lake Municipal Code, soil stockpiles and material stockpiles will be covered and protected from the wind and precipitation. Plastic sheeting will be used to cover the stockpiles and straw wattles will be placed at the base for perimeter control.
- l. All contractors shall immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. All leaks and spills shall be reported to the designated representative of the lead contractor and shall be evaluated to determine if the spill or leak meets mandatory

SWPPP reporting requirements. Contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

#### **Noise**

**N-1** The following measures shall be implemented to reduce potential impacts to noise during construction: ♣ Construction activities shall be limited to between the daytime hours of 7:00 A.M. and 7:00 P.M., Monday through Friday, and 8:00 A.M. and 5:00 P.M., on Saturdays. Construction activities shall be prohibited on Sundays. ♣ Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.

#### ***PUBLIC REVIEW DISTRIBUTION***

Draft copies or notice of the Initial Environmental Study were distributed by the State Clearinghouse.

#### ***PUBLIC REVIEW***

- (X) Draft document referred for comments January 15, 2015.
- ( ) No comments were received during the public review period.
- ( ) Comments were received but did not address the draft Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- X Comments addressing the findings of the draft Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public review period. The letters and responses follow (see Response to Comments, attached).

**Copies of the Negative Declaration, the Initial Study, and documentation materials may be obtained in the Planning Division of the Development Services Department, City of Shasta Lake, 1650 Stanton Drive, Shasta Lake, CA, Monday – Friday, 7:00 AM – 4:00 PM. 530.275.7460.**



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