

## APPENDIX A

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Correspondence

## Sarah Tona

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**From:** Demers, Kevin - RD, Yreka, CA <Kevin.Demers@ca.usda.gov>  
**Sent:** Tuesday, May 16, 2017 1:21 PM  
**To:** Connie Carpenter  
**Subject:** FW: Lewiston Community Services Dis. Wastewater Project  
**Attachments:** process-flowchart-within-corridor.pdf

Connie –

Here is the BLM response.

Kevin DeMers  
Community Programs Specialist  
Rural Development  
Yreka Office  
(530) 842-6123, ext 3126  
[kevin.demers@ca.usda.gov](mailto:kevin.demers@ca.usda.gov)

**From:** Kuntz, William [mailto:wkuntz@blm.gov]  
**Sent:** Tuesday, May 16, 2017 1:09 PM  
**To:** kevin.demers@usda.gov  
**Subject:** Lewiston Community Services Dis. Wastewater Project

Kevin, here is some information that might help you. See attached..

Just a few other things that I saw in your document that needed correction..

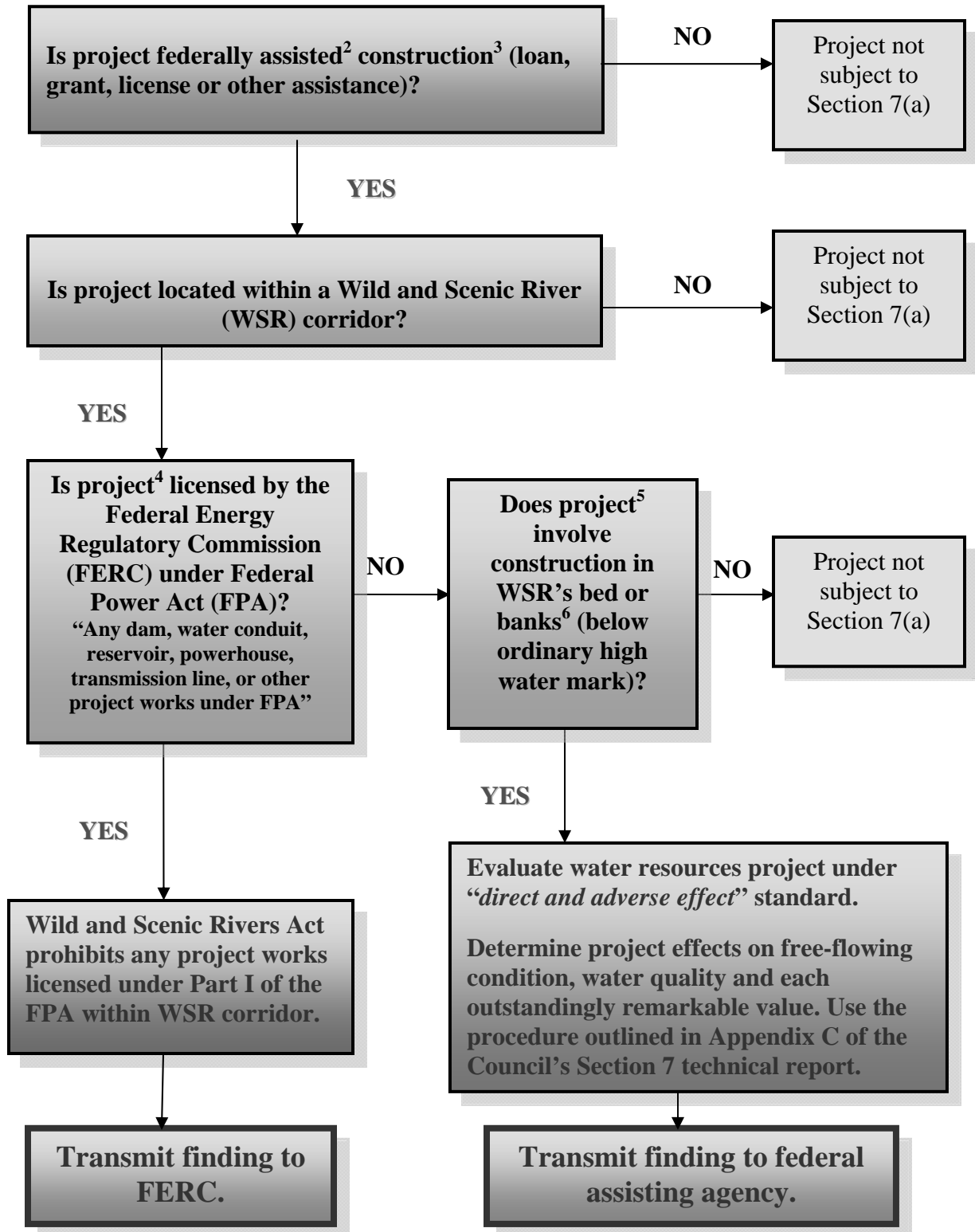
The only Outstandingly Remarkable Value associated with the river is "fisheries" according to the 1980 Federal Register the designated the Trinity River a Wild and Scenic River.

As I said, the project, which is a supported Federal action would not initiate a Section 7 (a) Determination since it does not encroach upon the bed and bank of the Trinity WSR (see attached for bed and bank definition).

Hope this helps but you really have nothing to do on this one.. wlk

Bill Kuntz  
Bureau of Land Management Redding Field Office  
Supervisory Recreation Planner for Operations, Maintenance and Recreation Programs  
6640 Lockheed Drive  
Redding, CA 96002  
Office: 530-224-2157  
Cell: 530-945-6812  
Fax: 530-224-2172  
Email: [wkuntz@blm.gov](mailto:wkuntz@blm.gov)  
Web Page: <https://www.blm.gov/>

## Section 7(a) Flowchart for a Water Resources Project “Within” a Wild and Scenic River Corridor<sup>1</sup>



<sup>1</sup> **A wild and scenic river (WSR)** means a river and the adjacent area within the boundaries of a component of the National Wild and Scenic Rivers System pursuant to section 3(a) or 2(a)(ii) of the Wild and Scenic Rivers Act (WSRA).

<sup>2</sup> **Assistance** means loan, grant, license, or other assistance in the construction of any water resources project.

<sup>3</sup> **Construction** means any action carried on with Federal assistance affecting the free-flowing characteristics of a WSR.

<sup>4</sup> **Water resources project (FERC-Hydropower)** means construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the hydropower provisions (license and exemption) of the Federal Power Act (FPA, Part I), as amended (41 Stat. 1063; 16 U.S.C. 791a et seq.). Other facilities licensed under the FPA by FERC (e.g., interstate power transmission lines or natural gas pipelines) are not prohibited outright. They are subject to review under Section 7(a) only if they include construction as described in footnote 6.

<sup>5</sup> **Water resources project** means any federally assisted construction that would affect free-flowing characteristics, as defined in Section 16(b) of the WSRA (see footnote 6). Examples of water resources projects include, but are not limited to: fisheries habitat and watershed restoration/enhancement projects; water diversion projects; transmission lines and pipelines; bridge and other roadway construction/reconstruction projects; dams; water conduits; bank stabilization projects; channelization projects; powerhouses; levee construction; reservoirs; recreation facilities, such as boat ramps or fishing piers; or dredge and fill projects that require a Federal permit, such as from the U.S. Army Corps of Engineers as required by Section 404 of the Clean Water Act (33 U.S.C. 1344).

<sup>6</sup> **Bed or banks** is an interpretation of Section 16(b) of the WSRA, which defines free-flowing, in part, as “existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway.” Generally the applicability of Section 7(a) is limited to the area within the ordinary high water mark (OHWM) of the river. OHWM is defined in 33 CFR Part 328.3(e) as “...that line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 – Northern  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**EDMUND G. BROWN JR., Governor**  
**CHARLTON H. BONHAM, Director**



April 3, 2017

Mel Deardorff, President  
Lewiston Community Services District  
P.O. Box 164  
Lewiston, CA 96052

**Subject: Proposed Mitigated Negative Declaration and Initial Study for the Lewiston Community Services District Project, Trinity County, State Clearinghouse Number 2017032026**

Dear Mr. Deardorff:

The California Department of Fish and Wildlife (Department) has reviewed the Proposed Mitigated Negative Declaration and Initial Study (MND) for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

### **Project Description**

The proposed Project as described in the MND consists of the Lewiston Community Services District consolidating and replacing or upgrading three marginal to failed sewer collection, treatment, and disposal facilities that currently provide water and/or wastewater service to the majority of residences in Lewiston. The proposed Project was designed to correct numerous health, safety, and environmental violations associated with the existing sewer facilities and bring the infrastructure up-to date in order to meet State and federal regulatory requirements. The Department is supportive of this infrastructure project which will remediate a public health risk as well as reduce the threat of contaminated sewage discharging to surface water leading to the Trinity River and local groundwater.

### **Project Comments and Recommendations**

The Department owns land along the Trinity River in the vicinity of the Project. As proposed in the MND, there will be no work, nor any impacts, on State of California-owned land.

The Department supports the use of onsite riparian restoration should impacts occur to mature riparian trees, as noted in *Mitigation Measure #1*. However, the MND does not identify whether or not onsite replanting will be monitored and maintained and does not provide success criteria for the riparian mitigation or contingency measures in the case of unsuccessful plantings. The Department recommends that any mitigation plantings be monitored and maintained for a period of five years following initial planting. Plants should be properly irrigated, protected from herbivores and vandalism, and kept free of invasive species during that time period. At the end of five years, plants should achieve 80-percent survival as the success criteria. Depending on whether or not the impacts to riparian vegetation are substantial, notification for a Streambed Alteration Agreement under FGC section 1602 et seq. may be required.

#### Lift Station 2 and Seep Spring Wetland

Lift Station 2 (LS2) is located adjacent to a stream identified as Dack Creek in the MND, which is a tributary to Hoadley Gulch. LS2 will be abandoned and removed from this location as part of the Project. The wetland delineation shows that LS2 is within a seep-spring wetland with temporary impacts of 0.011 acres. While the majority of the infrastructure associated with LS2 is outside of the jurisdiction requiring notification under FGC section 1600 et seq, there is a drainage culvert that discharges some sort of effluent or overflow from LS2 to the stream, as well as an above-ground PVC pipe with unknown purpose or destination that goes through the middle of the seep-spring and associated riparian vegetation. The Department has a "No Net Loss" of wetlands Policy adopted by the Fish and Game Commission which considers all impacts to wetlands, temporary or permanent, as significant. The work within this seep spring, Dack Creek, and associated riparian vegetation to abandon and remove LS2 should be more detailed in the MND to determine the impacts and whether those impacts need to be mitigated. Should this activity obstruct the natural flow, or change the bed, bank, or channel (including associated riparian resources) of the adjacent stream, a Notification of Lake or Streambed Alteration (LSA Notification) pursuant to FGC section 1600 is required. Information regarding the LSA Notification process can be obtained from the Department's website at: <http://www.wildlife.ca.gov/Conservation/LSA>.

#### Nesting Migratory Birds and Other Birds of Prey

*Mitigation Measure #2 – Migratory Birds and Raptors and Mitigation Measure #3 – Little Willow Flycatcher* state the nesting season of February 15 through September 15 for migratory birds and raptors. The Department recommends the use of the February 1 through August 31 nesting season as a generally inclusive range for all migratory birds and raptors in this part of northern California.

Willow flycatcher (*Empidonax traillii*) survey protocols for California describe a much shorter season to detect nesting birds; however, adults may be present during the general range of dates from February 1-August 31. If an active nest for willow

flycatcher is detected during protocol surveys, *Mitigation Measure #3* states the Department "should be contacted to determine the appropriate avoidance buffer and/or other appropriate mitigation measures". The Department typically recommends a 300-500 foot buffer for this species; however, the buffer is dependent on topography and type of construction activity. *Mitigation Measure #3* also states that Project activities in or adjacent to riparian habitat along the Trinity River should be scheduled to occur outside of the nest season for birds. If there is the potential for work on any portion of the Project (not just along the Trinity River) to occur within willow flycatcher habitat when they are present, an Incidental Take Permit (ITP) should be obtained. Information for obtaining an ITP can be found at:  
<http://www.wildlife.ca.gov/conservation/cesa/ITP-review-standards>.

General pre-construction surveys for nesting birds (outside of specific willow flycatcher protocols) should occur no more than seven days prior to the start of construction, instead of the 14-day window stated in *Mitigation Measure #2*, with additional surveys occurring if vegetation removal or ground disturbance activities are delayed or suspended for more than seven days after the pre-construction surveys, or if construction activities are suspended for more than seven days after the initial commencement of construction. If a nest is found, a construction-free buffer should be established around the nest. If it is anticipated that the Project activities will encroach on the buffer, the MND states that a biological monitor will be present to ensure that nesting birds are not disturbed by the activities. The Department recommends that an on-site biological monitor should monitor the nest daily to ensure no adverse impacts occur.

#### California Natural Diversity Database

If any special-status species are found during biological surveys for this Project, the Department requests that occurrence details are submitted to the California Natural Diversity Database (CNDDDB) through the Biogeographic Data Branch in Sacramento. Instructions for providing data to CNDDDB can be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. Species that warrant reporting to the CNDDDB include Species of Special Concern, Fully Protected species, California Rare Plant Ranked species, species proposed for listing or candidate species, and species listed as threatened or endangered by either the State or federal Endangered Species Acts.

Additionally, all pre-construction survey results as well as CNDDDB forms shall be sent to the Department at the following address:

California Department of Fish and Wildlife  
Attn: CEQA  
601 Locust Street  
Redding, CA 96001

Mel Deardorff, President  
Lewiston Community Services District  
April 3, 2017  
Page 4

The Department appreciates the opportunity to provide comments during the environmental review process. If you have any questions, please contact Kate Grossman, Environmental Scientist, at (530) 225-2239, or by e-mail at [Katherine.Grossman@wildlife.ca.gov](mailto:Katherine.Grossman@wildlife.ca.gov).

Sincerely,



**Curt Babcock**  
Habitat Conservation Program Manager

ec: State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Kate Grossman, Suzanne Turek, Rachelle Pike, Donna Cobb, Kristin Hubbard  
California Department of Fish and Wildlife  
[Katherine.Grossman@wildlife.ca.gov](mailto:Katherine.Grossman@wildlife.ca.gov), [Suzanne.Turek@wildlife.ca.gov](mailto:Suzanne.Turek@wildlife.ca.gov),  
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[Kristin.Hubbard@wildlife.ca.gov](mailto:Kristin.Hubbard@wildlife.ca.gov)





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

APR 04 2017

Mel Deardoff  
Lewiston Community Services District  
P.O. Box 164  
Lewiston, CA 96052

Dear Mr. Deardoff:

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND); FOR LEWISTON COMMUNITY SERVICE DISTRICT (DISTRICT); LEWISTON COMMUNITY SERVICES DISTRICT WASTEWATER COLLECTION TREATMENT AND DISPOSAL (PROJECT); TRINITY COUNTY; STATE CLEARINGHOUSE NO. 2017032026

We understand that the District is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-8048-210). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the IS/MND to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml). The

State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The District will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the District decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

Note that the District will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)):

- A. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report) or in a separate report.
- B. A public hearing or meeting for adoption/certification of all projects except for those with little or no environmental impacts.

- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- D. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- E. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- F. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- G. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- H. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the District's draft IS/MND:

1. For Mitigation Measures #1, #2, #3 and #9: please change "should", "may" and "should be" to "shall" and "shall be" as "should", "may" and "should be" are advisory language and CEQA Guidelines (Article 1, Section 15005) define "shall" as mandatory language.
2. Mitigation measure #3 states that surveys for the Little willow flycatcher will be "conducted following the methods described in a *Willow Flycatcher Survey Protocol for California*." Please include the specific measures that will be used to survey Little willow flycatcher in either the body of the IS/MND or as an attachment.

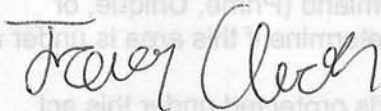
Following are specific comments on the District's CWSRF application:

1. Please include air quality data that was used to make the determinations for the potential Air Quality impacts either the body of the IS/MND or as an attachment.
2. Please include the Figure 6 from the Project Report, which depicts the Project's location in relation to the 100-year flood zone, either the body of the IS/MND or as an attachment.
3. Please clarify if Native American groups shall be consulted with. The current language in Mitigation Measure #3 states that Native American consultation is "recommended" but does not state if it shall or shall not occur.

Please provide us with the following documents applicable to the proposed Project following the District's CEQA process: (1) one copy of the draft and final IS/MND, (2) the resolution adopting the IS/MND and making CEQA findings, (3) all comments received during the review period and the District's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program (MMRP), and (5) the Notice of Determination filed with the Trinity County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the District's IS/MND. If you have any questions or concerns, please feel free to contact me at (916) 319 8574, or by email at [Trevor.Cleak@waterboards.ca.gov](mailto:Trevor.Cleak@waterboards.ca.gov), or contact Ahmad Kashkoli at (916) 341-5855, or by email at [Ahmad.Kashkoli@waterboards.ca.gov](mailto:Ahmad.Kashkoli@waterboards.ca.gov).

Sincerely,



Trevor Cleak, Environmental Scientist  
Division of Financial Assistance

Enclosures (3):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

Cc: State Clearinghouse  
(Re: SCH# 2017032026)  
P.O. Box 3044  
Sacramento, CA 95812-3044