

Attachment F

Notice of Exemption

NOTICE OF EXEMPTION

TO:

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

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

FROM:

Orick Community Services District
101 Swan Road
Orick, CA 95555

Project Title: Orick Community Services District (OCSD) Water System Improvements

Project Location:

The project site is located in the community of Orick in Humboldt County. Work would occur at four separate locations in Township 10 North, Range 1 East, Sections 4 and 5, and Township 11 North, Range 1 East, Sections 33 and 34, of the U.S. Geological Survey Orick quadrangle (Figure 1), as further described below.

City: Orick (unincorporated)

County: Humboldt

Description of Nature, Purpose, and Beneficiaries of Project:

The project includes improvements to the OCSD water system that are required in order to replace aging infrastructure and equipment, maintain adequate fire flows, and ensure the health and safety of the community and the environment. The project will benefit residences and businesses within the OCSD's service area.

Improvements include replacing a leaking 100,000-gallon redwood water tank with a ±100,000-gallon welded steel tank. The tank is located on OCSD-owned property ±150 feet south of Old State Highway about 2,000 feet west of its northern intersection with State Route 101. The existing tank would be demolished and removed from the site, and the new tank would be installed in the same footprint as the existing tank. The entire tank pad would be over-excavated approximately three feet below the existing grade. Electrical equipment, supervisory control and data acquisition (SCADA), and a six-inch overflow pipe would be installed. In addition, three valves adjacent to the tank would be replaced. A PG&E power pole upslope of the tank would be replaced with a taller pole to provide adequate clearance for the power lines, and a 40-foot-tall communications tower would be constructed at the water tank.

At the District office on Swan Road, electrical equipment and a 20-foot-tall communications tower would be constructed to support the SCADA system. A 90 KW, diesel-fired emergency generator equipped with a manual transfer switch would be acquired, and would be housed in a new cargo container outside the District office.

Four distribution valves are inoperable and would be replaced. Two of the valves are located at 120779 Highway 101 next to Hagoods Hardware Store, and the other two are located at 121390 Highway 101 next to the Orick Presbyterian Church. A Caltrans Encroachment permit would be required to replace the valves.

All proposed improvements would be installed in previously disturbed area. No trees would be removed.

Name of Public Agency Approving Project: Orick Community Services District

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

Local Agency Contact Person: Marcele Allen, Authorized Representative

Exempt Status: Categorical Exemption:

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

Class 1, §15301 (Existing Facilities)

Class 2, §15302 (Replacement or Reconstruction)

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

Class 4, §15304 (Minor Alterations to Land)

Reason Why Project Is Exempt:

Class 1 authorizes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Class 2 authorizes replacement or reconstruction of existing utility systems and/or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the structure replaced. Class 3 authorizes construction of limited numbers of new, small facilities or structures and installation of small new equipment and facilities in small structures. Class 4 authorizes minor alterations to the condition of the land (e.g., clearing, grading, trenching, and backfilling) that do not involve the removal of any healthy, mature, scenic trees.

The project is consistent with the categorical exemptions noted above because work would not expand the District's water service capacity; only minor earth disturbance would be required to accommodate the proposed improvements; the ground surface would be restored following construction; no mature trees would be removed; no wetlands or other waters would be affected by project implementation; and new construction would be limited to small structures. It should be noted that the California Department of Public Health recognizes water tanks up to 100,000 gallon in size as small structures.

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

Signature: Marcele Allen
Marcele Allen
Authorized Representative

Date: 12-4-20

Date Received for Filing at OPR: _____

Attachments:

- Figure 1: Project Location and Vicinity Map
- Figure 2: Project Site - West
- Figure 3: Project Site - East
- Appendix A: Representative Photographs

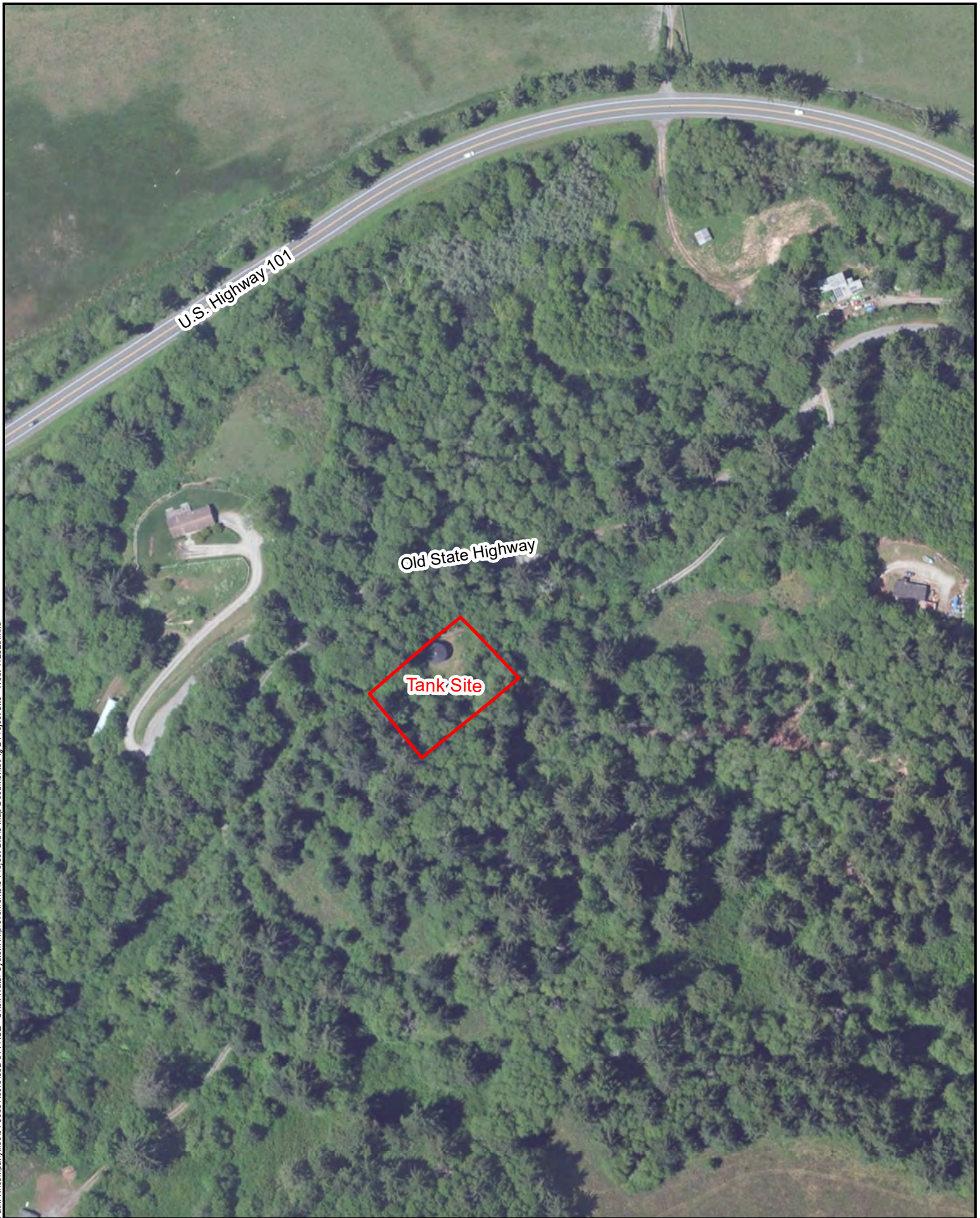


Path: N:\companyfiles\01-Jobs Active\032-61 PACE - Orick Water System Improvements\03-Map Documents\Figure 1 Project Location and Vicinity.mxd



Figure 1
Project Location and Vicinity Map

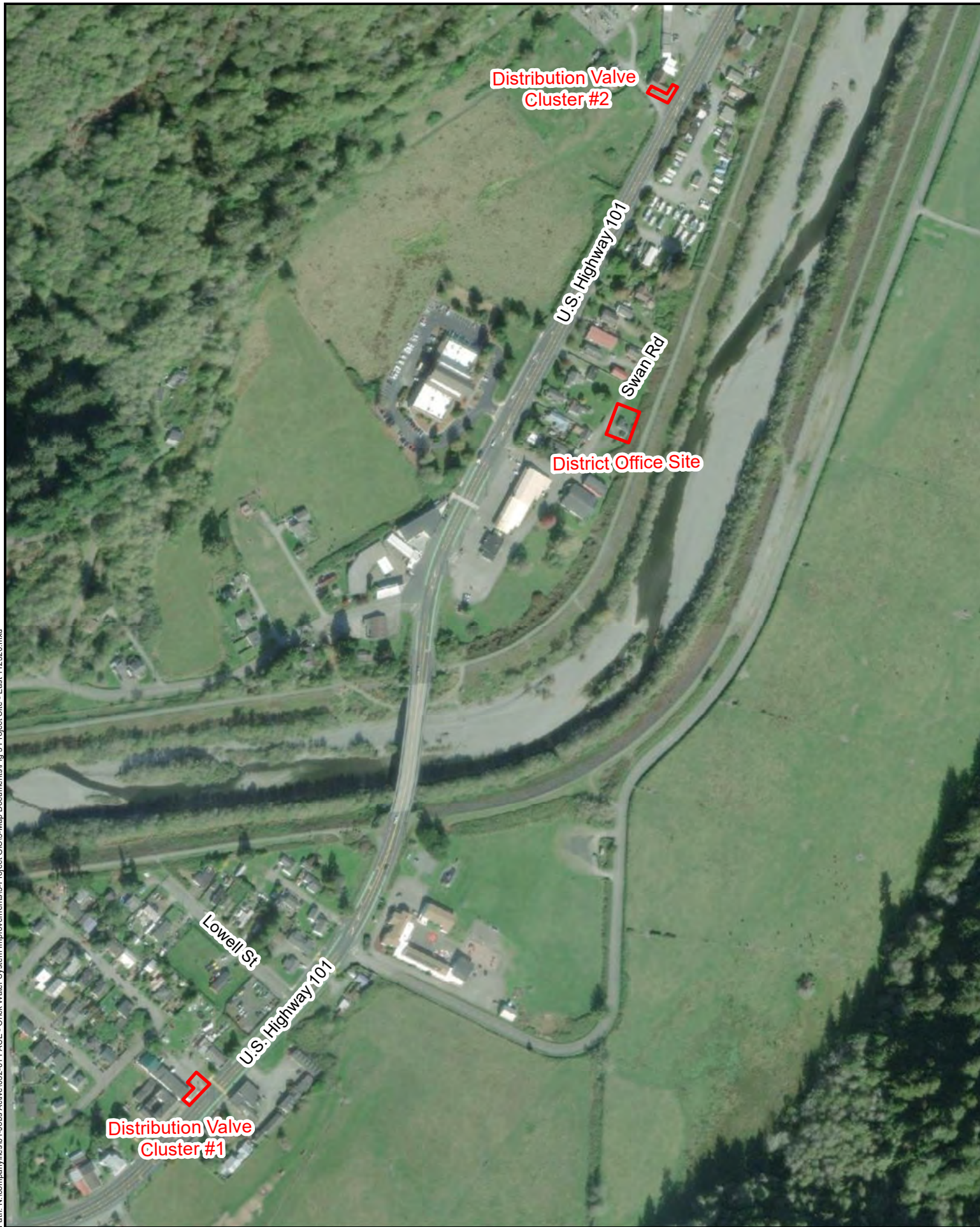
All depictions are approximate. Not a survey product. 11.25.20



All depictions are approximate. Not a survey product. 11.25.20



Figure 2
Project Site - West



All depictions are approximate. Not a survey product. 11.25.20



Figure 3
Project Site - East

ATTACHMENT A

Notice of Exemption

Orick CSD Water System Improvements

As described in the Notice of Exemption (NOE), the proposed project is categorically exempt from CEQA pursuant to §15301 (Class 1-Existing Facilities), §15302 (Class 2-Replacement or Reconstruction), §15303 (Class 3-New Construction or Conversion of Small Structures), and §15304 (Class 4-Minor Alterations to Land) of the CEQA Guidelines. CEQA Guidelines §15300.2 identifies exceptions that override a lead agency's ability to use a categorical exemption. These exceptions are listed below, followed by documentation of why each exception does not apply to the proposed project.

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

The project involves replacement and improvements to existing components of the Orick Community Services District's (OCSD) water system that are required in order to ensure the health and safety of the community and the environment. There are no other closely related past, present, or reasonably foreseeable future projects in the project area that would cause related impacts. Impacts from the proposed project would be temporary and cease at completion of the project. Therefore, the proposed project's impacts would not be cumulatively considerable.

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

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

Aesthetics:

The proposed water tank would be replaced in the same location and have approximately the same capacity as the existing tank. No tree removal would be needed to facilitate construction. Other above-ground structures are limited to communication towers at the water tank site and at the District office, a power pole extension at the tank site, and a storage facility at the District office. The 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The 20-foot tower at the District office would also be a narrow, lattice structure, and would be shorter than the surrounding power poles. The new power pole at the tank would be 50 feet in height, but would not be readily visible given its neutral color and forested backdrop. The emergency generator storage container at the District office would be visible only to viewers on Swan Road, a short, dead-end street with minimal traffic. Valve replacement work would occur at highly visible locations along Highway 101, but the visual impacts due to construction would be very short-term and no permanent impacts would occur. The proposed project would not involve any unusual circumstances that might result in a significant visual impact.

Agriculture and Forestry Resources:

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

Air Quality/Greenhouse Gas (GHG) Emissions:

The proposed project would result in the temporary generation of ROG, NOx, PM10, and other regulated pollutants during construction. ROG and NOx emissions are associated with employee vehicle trips, delivery of materials, and construction equipment exhaust. PM10 would be generated during site preparation, excavation, road paving, and from exhaust associated with construction equipment. Temporary emissions would also be generated with the use of the temporary diesel-fire generator; however, the project does not include any other components that would result in a long-term increase in emissions. There are no unusual circumstances associated with air quality that would preclude a categorical exemption for the proposed project.

Biological Resources:

Special-Status Species

Biological review of the proposed project included review of California Natural Diversity Data Base (CNDDB) records for special-status plants, animals, and natural communities; review of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants; review of U.S. Fish and Wildlife Service (USFWS) records for federally listed, proposed, and Candidate plant and animal species under jurisdiction of the USFWS as well as the USFWS list of migratory birds of conservation concern; and review of National Marine Fisheries Service (NMFS) records for anadromous fish species under the jurisdiction of the NMFS.

Following completion of the records search, botanical and wildlife field evaluations were completed by an ENPLAN biologist on June 19, 2020. Some of the special-status species potentially occurring in the project area would not have been evident at the time the fieldwork was conducted. However, determination of their potential presence could readily be made based on observed habitat characteristics. Two plant species on California Rare Plant Rank 4 (Plants of Limited Distribution -- A Watch List) were observed at the water tank site: trailing black currant and golden saxifrage. Plants of this listing status are not considered special-status species; although avoidance is recommended where feasible, mitigation is not required. With respect to wildlife, northern red-legged frogs (a California Species of Special Concern) have previously been reported in the general vicinity of the water tank. A single frog, probably a northern red-legged frog, was briefly sighted during the field survey, but its identification could not be confirmed. Northern red-legged frogs are not uncommon in the area: CNDDB records show 31 siting locations within a 5-mile radius of the project area. CDFW staff was contacted to discuss the implications of the potential presence of northern red-legged frogs in the vicinity of the tank (van Hattem, pers. comm.) Although frogs should be avoided if observed during construction, the proposed work would not affect breeding habitat for the frog; therefore, no significant impacts would occur. No unusual biological circumstances are present that would preclude a categorical exemption for the proposed project. Photographs of the project area are included in **Appendix A**.

Natural Communities

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

Field review identified one perennial stream crossing under the driveway leading to the water tank site. Although the stream and its adjoining riparian habitat are considered sensitive, no work affecting the stream or riparian habitat is proposed.

Nesting Migratory Birds

The USFWS identified the following Birds of Conservation Concern as potentially being affected by the proposed project: Allen's hummingbird, bald eagle, black oystercatcher, black turnstone, Clark's grebe, great blue heron, marbled godwit, olive-sided flycatcher, red-throated loon, rufous hummingbird, semipalmated sandpiper, and whimbrel. A few of these species could potentially nest in the vicinity of the water tank, as could individuals of other more common species. However, construction activities would not directly affect nesting birds because no trees or other significant vegetation would be removed to accommodate the proposed improvements. In any case, existing state and federal laws provide protection for nesting birds. There are no unusual circumstances associated with nesting migratory birds that would preclude a categorical exemption for the proposed project.

Energy:

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

Geology and Soils:

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

According to the Geotechnical Report prepared by KC Engineering, subsurface soils at the proposed tank site consist of fine-grained soils overlying bedrock material. The geologic deposits underlying the proposed water tank are mapped by the California Division of Mines and Geology as Mesozoic-aged Franciscan Complex. These deposits are found throughout the community of Orick and are not unique to the project site. Additionally, improvements at other locations within the CSD's service area would occur in previously disturbed areas. There are no unique circumstances related to geology or soils that would result in more significant impacts than other similar projects.

Hydrology and Water Quality:

Construction activities would result in the temporary disturbance of soil and would expose disturbed areas to potential storm events, which could generate accelerated runoff, localized erosion, and sedimentation. However, this is a temporary impact during construction activities, and no long-term impacts would occur. In addition, in accordance with Humboldt County requirements, erosion/sediment controls would be implemented to prevent damage to streams, watercourses, and aquatic habitats. There is nothing unique about the project site or project design that would result in significant impacts to water quality.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panels 06023C0165F and 0170F effective November 4, 2016), the project site is not located within a designated flood hazard zone.

Land Use and Planning:

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

Mineral Resources:

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

Noise:

Construction activities would generate noise and would temporarily increase noise levels in the area. Additionally, use of the emergency generator would create temporary noise; however, the generator would only be used during emergencies. Therefore, there is nothing unique to the project that would result in more significant impacts than other construction projects in the area. The project does not include any components that would result in a permanent increase in noise levels.

Population and Housing:

The purpose of the project is to ensure the health and safety of the community and the environment. Because the project would not increase the capacity of the District's water system, the project would not induce population growth in the area beyond that currently projected in the County's General Plan.

Public Services:

Because the project does not include any components that would increase capacity in the District's water system, the project would not induce population growth in the area beyond that currently projected in the County's General Plan. Therefore, the project would not generate a demand for additional fire protection, police protection, schools, parks, or other public services.

Recreation:

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

Transportation:

Because the project would not induce population growth, the project would not directly or indirectly result in a permanent increase in traffic. There would be short-term increases in traffic in the area associated with construction; however, this is a temporary impact and would cease upon completion of the improvements.

Utilities and Service Systems:

The project would not require the relocation of sewer lines, electric facilities, storm drains, natural gas, or other utility infrastructure. Because the project would not induce population growth, no increased demand for utilities would occur.

Wildfire:

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

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

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

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

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

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

The records search revealed that the project is not located on a hazardous waste site. However, an active leaking underground storage tank case is located east of the planned valve replacement near Hargood's Hardware Store, at the now-closed Green Valley Exxon. Review of GeoTracker records shows that the leaking tanks were removed in August 2000. Based on nearby monitoring wells, the depth to groundwater is estimated at 9 to 19 feet below ground surface. Because the valve replacement would be at a much shallower depth (approximately 3 feet), it is not anticipated that groundwater would be encountered. In the unlikely event that contaminated groundwater were encountered during valve replacement, OCSD would be responsible for the proper handling and disposal of the contaminated water, in accordance with State Water Board requirements.

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

A cultural resources evaluation was completed for the project by DZC: Archaeology & Cultural Resource Management to identify the project's potential effects on cultural resources. The evaluation included a records search, Native American consultation, and field evaluation. The records search included review of records at the Northwest Information Center of the California Historical Resources Information System (NWIC/CHRIS), Ancestry.com, General Land Office records, California State Archives, and consultation with the Native American Heritage Commission, the Yurok Tribe of the Yurok Reservation, Big Lagoon Rancheria, and the Cher-Ae-Heights Indian Community of the Trinidad Rancheria. CHRIS resources evaluated included the *California Inventory of Historical Resources* (1970), *Caltrans Local and State Historic Bridge Inventory*, and *Handbook of North American Indians* (Vol. 8, 1970).

A records search was conducted by the NWIC on September 17, 2020, and covered a quarter-mile radius around the project's Area of Potential Effects (APE). The records search revealed that twelve archaeological surveys have been conducted within a quarter-mile radius of the APE, five of which encompassed portions of the APE. There is one previously recorded archaeological site within a half-mile radius of the APE and none within the project's APE. Archeological fieldwork took place on October 6, 2020, during which the APE was intensively surveyed to identify cultural resources that would be potentially affected by the proposed project. No cultural resources were identified.

On August 24, 2020, the Native American Heritage Commission (NAHC) conducted a search of their Sacred Lands File and indicated that the search did not reveal any known Native American sacred sites or cultural resources in the project area. The NAHC also provided contact information for several Native American representatives and organizations, who were contacted on September 17, 2020, with a request to provide comments on the proposed project. No responses were received.

The evaluation concluded that no known cultural resources would be impacted by the project. However, there is always some potential for previously unknown cultural resources to be encountered during construction. The following standard construction measures will be included in construction contracts for the project to address the inadvertent discovery of cultural resources and human remains.

- 1) It is best practice to avoid cultural resources whenever possible. In cases of inadvertent (unplanned) discovery of cultural resources or human remains, all work shall stop in that area until a qualified archaeologist can evaluate the nature and significance of the find [CCR 15064.5(f)].
- 2) If human remains are encountered during construction, it is required that work stop immediately in that area and notification be made to the Humboldt County Coroner (CCR 15064.5(e) (1) (A); HSC Sec. 7050.5).
 - a) Contact information for the Chief Deputy Coroner office at the time of this report: Humboldt County Coroner; Ernest Stewart – Chief Deputy Coroner, 3012 I Street, Eureka, CA 95501; Phone: 707-445-7242.
 - b) If the coroner determines the remains to be Native American, the Coroner shall contact the NAHC within 24 hours and collaboratively determine the Most Likely Descendant (CCR 15064.5(e)(1)(B)).

DOCUMENTATION:

California Department of Transportation. 2020. California State Scenic Highway System Map. <https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>. Accessed November 2020.

California Environmental Protection Agency. 2019. Cortese List Data Resources. <http://www.calepa.ca.gov/sitecleanup/corteselist/>. Accessed November 2020.

California Natural Diversity Database. <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>. Accessed November 2020.

Humboldt County. 2017. Humboldt County General Plan. <https://humboldt.gov/205/General-Plan>. Accessed April 2020.

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Federal Emergency Management Agency. National Flood Hazard Map (Panels 06023C0165F and 170F, effective November 4, 2016). <https://hazards.fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>
Accessed November 2020.

KC Engineering Company. 2020. Geotechnical Exploration Report.

State of California, Department of Conservation. 2019. California Geological Survey.
<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed November 2019.

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<https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed November 2019.

_____. California Geological Survey. 2019. Earthquake Zones of Required Investigation.
<https://maps.conservation.ca.gov/cgs/EQZApp/app/> Accessed November 2019.

U.S. Department of Agriculture, Natural Resource Conservation Service. 2019. Web Soil Survey.
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed November 2019.

U.S. Fish and Wildlife Service. IPaC Resource List: Threatened and Endangered Species, and Birds of Conservation Concern. February 2020.

U.S. Geological Survey. 2010. Interactive Fault Map. <http://maps.conservation.ca.gov/cgs/fam/>. Accessed November 2019.

APPENDIX A

Representative Photos



Driveway to tank site. The created roadside ditch is on the right; a natural stream crosses under the driveway near its bend. View to northeast.



Water tank to be replaced, view to southwest



Power pole(center) to be replaced with taller pole, view to east-northeast.



Valve cluster to be replaced near Hargood's Hardware Store, view to southwest.



Valve cluster to be replaced near Presbyterian Church, view to south-southwest.



OCSD office. Cargo container with generator will be placed adjacent to the building wing on the right side of photo. The 20-foot-tall communication tower will be behind (to the left of) the building wing, near the back (left side) of the main building. For a height comparison, the power line is at a height of ± 20 feet, the power pole extends to ± 32 feet, and the siren pole (center rear) is ± 50 feet tall.