- CITY OF BIGGS -
PLANNING STAFF REPORT

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DATE: May 14, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP - City Planner

SUBJECT: Request for Additional Funding for: Wastewater Treatment Plant Land Application Project – Pedestrian Survey for Cultural Resources and Preparation of a Biological Assessment report.

Summary:
The Planning Department and PMC are requesting additional funds in the amount of $12,900 to undertake the completion of a reconnaissance level pedestrian-survey for cultural resources and a Biological Assessment (BA) in support of the CEQA and NEPA environmental compliance effort for the wastewater land application project.

Discussion:
The Planning Department and PMC are requesting additional funds for the undertaking of work effort identified but not originally contained within the approved budget for the CEQA and NEPA environmental compliance effort for the wastewater land application project. At the time of the approval of the original Scope of Work and Budget for the project, staff indicated to the Council that the exact details of the likely NEPA-related requirements were not yet known and that there existed the potential for the need for supplemental funding depending upon which agency assumed the NEPA Lead Agency status (USDA or State Water Board). At this time, the USDA has agreed to assume primary NEPA Lead Agency status however the State Water Board has indicated that the project's environmental report needs to comply with both USDA and SWB requirements. Now that the NEPA Lead Agency has been identified and the details of the needs of the two agencies identified, that need for special study funding can now be identified and requested. The details of the budget augment request are as follows:

NEPA Section 106 – Cultural Resources Compliance: The US Department of Agriculture– Rural Development (USDA-RD) program has directed PMC and PMC's historic and cultural resources sub-consultant, ecorp, to undertake a reconnaissance level pedestrian-survey on both the 'west site option' and 'south site option' parcels in furtherance of the Department's Section 106 approval process under the National Environmental Protection Act (NEPA). The additional funds will be utilized to complete a field-survey of all "dry" lands on both project sites. A professional archeologist will walk transects of both sites looking for signs of cultural resources and provide a report in support of the environmental analysis for the project. *Attachment A* to this report contains a copy of the correspondence from Katie Schmitt at the USDA directing that an archeological survey be completed for the project.

A budget augment in the amount of **$7,300** is being requested to address this request. As a result of negotiations with USDA environmental staff regarding this task, PMC and ecorp have been able to

slightly reduce the scope of this effort from that identified as Optional Tasks 1 and 2 in the original scope of work and budget submitted to the City Council for consideration (see attached Budget spreadsheet).

NEPA Section 7 – Biological Resources Compliance: The State Water Board has directed that the City prepared a Biological Assessment (BA) support the Board's need to consult with the US Fish and Wildlife Service (USFWS) in regard to potential project impacts to Threatened and Endangered Species resulting from the project. To facilitate the SWB's consultative process in compliance with the National Environmental Policy Act (NEPA), a BA is needed. Due to the uncertainties associated with the identification of a NEPA Lead Agency, a budget for this task was not identified in the original Budget.

A budget augment in the amount of **$5,600** is being requested to address this request.

Request:
Staff is requesting that the City Council approve amendment #1, a request for additional funding in the amount of $**12,900** for the preparation of Cultural Resource and Biological Resource studies as described in this report in support of the City of Biggs Wastewater Land Application project.

Attachments:

Attachment A - Email from USDA to ecorp requesting additional Cultural Resources Survey work.

Attachment B - Approved Project Scope of Work (Biological and Cultural Resources only) and Budget

Good Afternoon Lisa,

I understand that a records search has been done. In addition to that I'll need an archaeological survey to be performed for this project. If you need further information regarding this please contact me.

If you have any questions, please contact me.

Thanks,

Katie Schmitt
Area Specialist| Community Programs
Rural Development
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Attachment A

thresholds as well as Federal Air Conformity Rule de minimis thresholds (10 tons per year of any criteria air pollutant).

Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions associated with short-term construction and long-term operation of the proposed project will be quantified. GHG emissions will be quantified using the URBEMIS 2007 computer program, utilization of energy use data for the wastewater treatment facility, and other operational emissions factors associated with the wastewater treatment process. The significance of GHG and climate change impacts will be determined in comparison to Assembly Bill 32 (AB 32) and AB 32 Scoping Plan Report reduction targets. Mitigation measures will be incorporated to reduce any significant GHG impacts. The effectiveness of proposed mitigation measures will be quantified and discussed.

Biological Resources

The EIR will address the following resource impacts:

- Potential for project construction to impact wetlands, including waters of the US, that may trigger the need for permitting under Section 404 of the Clean Water Act. It should be noted that this work program does not include preparation of a wetland delineation for submittal to the US Army Corps of Engineers.
- Determination of whether project construction would affect state or federally listed endangered or threatened species or listed critical habitat. This will also include an evaluation of any impacts to birds or raptors protected under the Migratory Bird Treaty Act.

This evaluation will consist of field review of the project site, resource database searches, utilization of available technical information on the Biggs area for biological resources of concern, and consultation with California Department of Fish and Game and US Fish and Wildlife Service. It is noted that the budget for this task does not include permitting work or any potential mitigation costs.

Cultural Resources

PMC has teamed with ECORP Consulting to prepare the cultural resources analysis for the proposed project. The CEQA-Plus Guidelines state that in order to avoid potential funding delays, the applicant should contact the cultural resources officer (CRO) of the State Water Resources Control Board, Division of Financial Assistance to initiate the Section 106 consultation process. ECORP will participate in one conference call with the CRO and City staff and engineers to discuss the project and assist with developing the APE. This map will delineate the horizontal and vertical extent of the project activities. Typically, the APE is composed of the project footprint, as well as construction staging areas, stockpiling areas, detours, demolition sites, and, in some instances, view shed.

ECORP will carry out a records search and literature review for the APE with the Northeast Information Center of the California Historical Resources Information System at California State University, Chico.

The purpose of this review is to obtain baseline information on a larger planning area within which all of the project alternatives would be expected to lie, plus a 0.5-mile radius. ECORP will also contact the California Native American Heritage Commission (NAHC) to request a search of the Sacred Land File. ECORP will follow up with all contacts provided by the NAHC by letter and telephone to solicit contacts. ECORP will also make every reasonable attempt to confirm the construction dates of all structures within the APE, and will include any documentation in the report to the CRO. Such documentation may consist of parcel data on file with the County or City, historical aerial photographs, and historical topographic maps of the APE.

This task includes a peer review of previously conducted studies within the planning area to determine existing level of compliance. This helps eliminate duplicative studies and analyses, and makes use of existing baseline data whenever possible. ECORP will also ensure that complete copies of all sources sought are obtained from the Information Center for submission to the CRO, per the CEQA-Plus Guidelines.

If the records search and literature review indicate that the project area has been recently surveyed under current professional standards and agency guidelines, such that the APE is in compliance with the CEQA-Plus Guidelines, then Option 1 will apply. If, however, the current project area has not been surveyed under current standards and guidelines, and therefore, is not compliance with Section 106 or the CEQA-Plus requirements, then Option 2 will apply. Lastly, it may be the case that portions of the study area have been previously surveyed; in this case, ECORP will prepare a revised cost for Option 2, so that all applicable previous research can be applied to the current undertaking as much as possible.

Option 1: Section 106 Compliance Summary Letter

ECORP will prepare a compliance summary letter that serves to synthesize all cultural resources efforts and will pair them with the CEQA-Plus Guidelines. Prior survey reports will be appended to the letter report and will be submitted as a package to the CRO for review. This may involve utilization of the existing USDA Rural Development (RD) Programmatic Agreement and process with the California State Historic Preservation Officer. The draft report will be submitted to the client, electronically, within 45 days of the receipt of a notice to proceed and fully executed contract. ECORP will respond to one round of comments (assumed to be minor) and will prepare the final report (PDF).

Option 2: Field Survey and Report

ECORP will carry out an intensive pedestrian survey of the potentially affected properties using current protocols for the identification of cultural resources. ECORP assumes that no cultural resources will be identified on the property. ECORP will prepare a survey report, following the California Office of Historic Preservation's recommended content and format. The report will provide a survey coverage map, the historic context, which is also necessary for incorporation into the CEQA document, as well as the methods, results, and recommendations for appropriate findings and mitigation measures. The report will also indicate whether or not additional steps are required in order to support the CEQA document or

Section 106 process, based on the outcome of the inventory. The most common reason for additional analysis being required is the presence of cultural resources, which must be evaluated for significance to be compliant with Section 106, CEQA, and the CEQA-Plus Guidelines (which would require a contract change order).

The draft report will be submitted to the client, electronically, within 60 days of the receipt of a notice to proceed and fully executed contract. ECORP will respond to one round of comments (assumed to be minor) and will prepare the final report (PDF). In compliance with the terms of agreement between ECORP and the California Office of Historic Preservation, one unbound copy of the final report will be submitted to the appropriate confidential Information Center (presumed to the NEC at Chico State) within 60 days of completion, where it will be archived and remain confidential (accessible only by qualified archaeologists; note that this is required, regardless of project status, and does not affect project approval).

Agency Technical Assistance:

During the course of its review of the project documentation and consultation under Section 106, the CRO or City may require clarification, additional supporting documentation, project meetings or site tours, and other information. This task budget will allow ECORP to respond to any such requests for information, assuming no new analysis is required, and will only be used if requested for miscellaneous requests for information.

Assumptions:

This scope does not include site recording, excavation, mapping, paleontological surveys, authoring environmental document sections, other requirements under state and federal law not specified above, hard copies of reports, project meetings, or conference calls; however, ECORP will gladly prepare a customized scope and cost for additional tasks upon request.

Hydrology and Water Quality

The hydrology and water quality analysis will be based on review of FEMA Flood Insurance Rate Map as well as mapping available from the City and the Sutter Butte Flood Control Agency and will identify whether project features are within a flood hazard area. The EIR will also evaluate the potential for construction-related water quality impacts, aquifer impacts, and best management practices that would be conducted by the City.

Hazards and Hazardous Materials

This section discusses the potential for the project to create a significant hazard through the use, transport, or storage of hazardous materials, as well as possible impacts to emergency response plans. Any increases in waste byproducts and the ultimate treatment and disposal of material will be quantified and addressed.

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	Tasks	Project Director	Project Manager	Senior Env. Planner	Env. Planner/ Air Quality	Bio Resources Director	Senior Biologist	Graphics, GIS, Tech Review	Admin Support	Total PMC Hours	Total PMC Labor	PMC Direct Costs $	ECORP Consulting $	Total Budget
		$195	$120	$110	$95	$170	$105	$90	$75					
EIR Required Tasks:														
1	Project Initiation and Project Description	4	8	4	12			2		30	$3,500	$175		$3,675
2	Notice of Preparation/Initial Study	4	12	6	38			6	4	70	$7,330	$425		$7,755
3	Preparation of ADEIR/EA	14	40	20	152	5	30	32	24	317	$32,850	$330	$12,011	$45,191
4	Revisions to ADEIR/EA and Preparation of DEIR/EA	6	20	8	50	4	6	16	14	124	$13,000	$2,300		$15,300
5	Preparation of Administrative Final EIR/EA	8	24	10	48	3	10	14	20	137	$14,420	$220		$14,640
6	Revisions to AFEIR/EA and Preparation of FEIR/EA	3	12	2	18		2	2	8	47	$4,945	$1,200		$6,145
7	CEQA Findings/MMRP/FONSI/NOD/Resolutions	3	8		22					33	$3,635	$155		$3,790
8	Management of EIR/EA Process	5	34							39	$5,055			$5,055
Total Required Tasks		**47**	**158**	**50**	**340**	**12**	**48**	**72**	**70**	**797**	**$84,735**	**$4,805**	**$12,011**	**$101,551**
Post-EIR and Optional Tasks:														
	Post-EIR Task:													
9	Permitting					36	150			186	$21,870			$21,870
	Optional Task:													
3	Cultural Resources Field Survey & Report												$12,997	$12,997
Grand Total Including Permitting		**47**	**158**	**50**	**340**	**48**	**198**	**72**	**70**	**983**	**$106,605**	**$4,805**	**$12,011**	**$123,421**
Grand Total Including Permitting and Optional Cultural Resources Task		**47**	**158**	**50**	**340**	**48**	**198**	**72**	**70**	**983**	**$106,605**	**$4,805**	**$12,997**	**$136,417**