



- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

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DATE: January 14, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Mark Sorensen, City Administrator
Scott Friend, AICP City Planner

SUBJECT: Certification of a Final Environmental Impact Report (EIR2013-01) (State Clearinghouse No. 2013042029) for the Biggs Wastewater Treatment Plant Enhancement Project

Report Summary:

The Planning Department and City Administrator are seeking Council action to certify the Final Environmental Impact Report (FEIR) (SCH2013042029) for the Biggs Wastewater Treatment Plant Enhancement Project and make Findings and a Statement of Overriding Consideration in support of the action.

Background / Discussion:

The City of Biggs has prepared an EIR, in conformance with the provisions of the California Environmental Quality Act (CEQA), to evaluate the potential environmental effects of the proposed City of Biggs Wastewater Treatment Plant Enhancement Project (proposed project; project). The proposed project consists of improvements to the City's wastewater treatment plant (WWTP) effluent disposal process through the development of a land disposal/land application method of discharging treated wastewater generated from the existing wastewater treatment plant in order to comply with the Central Valley Regional Water Quality Control Board (CVRWQCB) National Pollutant Discharge Elimination System (NPDES) Permit No. CA0078930 and Time Schedule Order (TSO) R5-2012-0048.

The City of Biggs (City), acting as the lead agency, has prepared both a Draft and Final EIR (DEIR and FEIR) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of the proposed City of Biggs Wastewater Treatment Plant Enhancement Project. This document is a public informational document that assesses potential environmental effects of the proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development, where feasible, and are obligated to balance a variety of public objectives including economic, environmental, and social factors.

As determined in the Initial Study prepared for the proposed project, several impact topics covered under CEQA have no potential to occur in relation to the proposed project and therefore were not analyzed in detail for this reason. For instance, and as further described in the Initial Study, implementation of the project would not result in impacts associated with aesthetic resources, geology and soils, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities. In addition, it has been determined that there are no

agricultural resource impacts associated with the Williamson Act, forestland zoning, or loss of forestland. No air quality impacts are associated with sensitive receptors being exposed to a substantial concentration of air toxics or odors. No cultural resource impacts are associated with the potential disturbance of human remains, nor are there hydrology-related impacts associated with groundwater depletion, alternation of the existing drainage pattern of the site resulting in flooding, housing or structures in a 100-year floodplain, flooding risks from failed levees and/or dams, or seiches, tsunamis, or mudflows. Lastly, there are no hazard-related impacts concerning the routine transport, use, or disposal of hazardous materials, emission of hazardous materials within one-quarter mile of an existing or proposed school, a site which is included on a list of hazardous materials, airport-related hazards, conflicts with emergency response plans, and/or wildland fires.

In addition to the above environmental issue areas, the project would also not result in a significant impacts to the following (refer to the Initial Study prepared for the project for expanded detail of the following issue areas):

- Wild and Scenic Rivers
- Coastal Zone
- Sole Source Aquifer.
- Environmental Justice

Following the completion of the Initial Study, it was determined that there may exist the potential for significant physical impacts on the environment as result of the implementation of the project. Thus, in accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation of an EIR for the project on May 8, 2013. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the project. An Initial Study for the project was prepared and released for public review along with the NOP. Its conclusions supported preparation of an EIR for the project.

Draft EIR

The Draft EIR was released for public and agency review on October 10, 2013, and the comment period closed on November 25, 2013. The Draft EIR contains a detailed description of the project, description of the environmental setting, identification of project impacts (direct, indirect, and cumulative) and mitigation measures for impacts found to be significant, and an analysis of a reasonable range of project alternatives. Written comments on the Draft EIR were solicited and received on the Draft EIR.

Based on the analysis provided in the Notice of Preparation, project details, and the analysis provided in the Draft EIR, it was determined that no impacts would occur in the following environmental issue areas:

- Aesthetic Resources
- Geology and Soils
- Mineral Resources
- Noise Population and Housing
- Public Services
- Transportation and Circulation
- Utilities and Service Systems (water supply and wastewater)

Based upon the analysis presented in the DEIR, it was determined that the implementation of the proposed project has the potential to generate two significant and unavoidable impacts. CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. The two impacts that were identified as significant and unavoidable are as follows:

Impact 3.1.1 Implementation of the proposed project would result in the conversion of important farmlands (Prime Farmland), as designated by the Farmland Mapping and Monitoring Program, to nonagricultural use.

Impact 3.1.3 Implementation of the proposed project, in combination with other approved, proposed, and reasonably foreseeable projects, would result in the direct and indirect conversion of Prime Farmland to nonagricultural use in Butte County.

Based upon the identification of the two significant and unavoidable impacts noted above, the Council is required to make Findings and a Statement of Overriding Considerations for the project (**Attachment B**).

Final EIR

As a result of the circulation of the DEIR, the City received a total of four comment letters from agencies and interest groups regarding the analysis and findings contained in the Draft EIR. Section 2.0 of the Final EIR, *Responses to Comments on the Draft EIR*, contains copies of the letters received along with corresponding lead agency responses as required by State CEQA Guidelines Section 15088. The document also contains minor edits to the Draft EIR, which are included in Section 3.0, *Revisions to the Draft EIR*. Together, these chapters constitute the Final EIR. The four (4) letters received on the DEIR were submitted by the following persons/parties:

Individual or Signatory	Affiliation
Stacy S. Gotham	Central Valley Regional Water Quality Control Board
Tina Bartlett	California Department of Fish and Wildlife
Scott Morgan	Governor's Office of Planning and Research
Ahmad Kashkoli	California Water Resources Control Board

Fiscal Impact:

Funds for the preparation of the EIR were approved in the City's Fiscal Year 2013-2014 budget. The project is currently on budget and no additional funds have been or are being requested for this action.

Funding for the staff time associated with the processing of this action have been included as part of the Department budgets of each City department. No budget amendment or additional funds are being sought with this action.

Public Comment:

At the time of the publication of this report, no public comment has been received that is not already a part of the FEIR document for the project.

Staff Recommendation:

Adopt the attached Resolution (attachment A) and make the Findings of Fact and Statement of Overriding Considerations (attachment B and noted below), certifying that the Final EIR (EIR10-001, State Clearinghouse No. 2013042029) is adequate for the Biggs Wastewater Enhancement Project; has been completed in compliance with the California Environmental Quality Act; reflects the independent judgment of the lead agency; approving the wastewater land disposal project and directing staff to continue its pursuit of such; and, directing staff to file the Notice of Determination for the project.

- A. That the Draft EIR was duly and properly noticed and circulated among federal, state, and local agencies as well as all organizations and individuals who requested such notice in accordance with Section 15072 of the State CEQA Guidelines.
- B. That all substantive comments were considered, reviewed, and responded to in the form of "Response to Comments" in the Final EIR pursuant to Section 15132 of the State CEQA Guidelines.
- C. That in light of what is reasonably feasible; the Final EIR provides a good faith, full-disclosure effort of the environmental impacts and consequences of the proposed project, sufficient to make an intelligent decision on the project according to Section 15151 of the State CEQA Guidelines.

Attachments:

- Attachment A* - Resolution Certifying the Final EIR for the City of Biggs Wastewater Treatment Plant Enhancement Project.
- Attachment B* - CEQA Findings of Fact and Statement of Overriding Considerations
- Attachment C* - Final EIR (Draft EIR and Final EIR (Comments, Response to Comments, Errata))
- *Provided separately in hardcopy due to size*
- Attachment D* - Mitigation Monitoring Reporting Program

RESOLUTION NO. 2014-01

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH
2013042029), ADOPTING ENVIRONMENTAL FINDINGS PURSUANT
TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
ADOPTING A MITIGATION MONITORING AND REPORTING
PROGRAM, ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS AND ADOPTING THE PROPOSED PROJECT**

WHEREAS, the City of Biggs (the "City") desires to implement the City of Biggs Wastewater Treatment Plant Enhancement Project ("Project"), which includes improvements to the City's Wastewater discharge process and practices in order to comply with more stringent Waste Discharge Requirements (WDRs) issued by the Central Valley Regional Water Quality Control Board in Order No. R5-2012-0048 and contained in the City's National Pollution Discharge Elimination System Permit No. CA0078930); and

WHEREAS, the Project consists of one major component: development of a new effluent disposal process that consists of improvements to construct a reclamation/land disposal system (effluent land disposal system) to eliminate discharges of treatment effluent wastewater to the Lateral K drain under the WDRs; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City is the lead agency for the Project; and

WHEREAS, in compliance with the Public Resources Code, the City prepared a Draft Environmental Impact Report (the "Draft EIR") to analyze the potential environmental effects of the Project; and

WHEREAS, the City solicited comments, including details about the scope and content of the environmental information, as well as potential feasible mitigation measures, from responsible agencies, trustee agencies, and the public, in a Notice of Preparation ("NOP") of the EIR for the Project, which was filed on May 8, 2013 and circulated for a period of 30 days ending on June 8, 2013 pursuant to State CEQA Guidelines sections 15082, subdivision (a) and 15375; and

WHEREAS, one (1) written comment letter was received by the City in response to the NOP, which assisted the City in expanding the issues and alternatives for analysis in the Draft EIR; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines 15082(c) and 15083, the City held a public scoping meeting on Friday, May 31, 2013, to solicit public comments on the Draft EIR for the Project; and

WHEREAS, the Draft EIR was completed and released for public review on October 10, 2013 and the City initiated a 45-day public comment period by filing a Notice of Completion and

Availability with the State Office of Planning and Research and the Butte County Clerk Recorder; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Availability in the Gridley Herald, a newspaper of general circulation in the Project area; and

WHEREAS, during the comment period [October 10, 2013 - November 25, 2013], the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and other interested parties pursuant to State CEQA Guidelines section 15086; and

WHEREAS, the City held a public meeting on November 12, 2013 before the Biggs City Council to solicit comments on the adequacy of the Draft EIR; and

WHEREAS, all potential significant adverse environmental impacts of the Project were sufficiently analyzed in the Draft EIR; and

WHEREAS, during the official public review period for the Draft EIR, the City received 4 written comment letters; and

WHEREAS, on December 30, 2013, the City released the Final EIR, which consists of written responses to all comment letters received by the City during the official public review period and errata to the Draft EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of the written responses to all commenting public agencies; and

WHEREAS, the "EIR" consists of the Final EIR and the Draft EIR (as modified by the Final EIR); and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

WHEREAS, the City has made minor revisions to the Project based on comments received as described and presented in Section 3.0 *Revisions to the Draft EIR* of the Final EIR; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project, as well as feasible mitigation measures, have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with the Public Resources Code and the State CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the EIR that the City finds will either have no impact or are less than significant and do not require mitigation are described in Section II below; and

WHEREAS, the environmental impacts identified in the EIR as potentially significant but which the City finds can be mitigated to a less than significant level through the implementation of Mitigation Measures described in *Section 6.0 Less Than Significant Environmental Impacts With Mitigation Incorporated* of the Findings of Fact and Statement of Overriding Considerations (**Attachment B** to the staff report package) and are identified in the Mitigation Monitoring and Reporting Program include as **Attachment D** to the Staff Report package; and

WHEREAS, environmental impacts identified in the EIR as potentially significant but which the City finds cannot be mitigated to a level of less than significant, despite the imposition of all feasible Mitigation Measures identified in the EIR, are described in *Section 7.0 Significant and Unavoidable Environmental Effect* of the Findings of Fact and Statement of Overriding Considerations (**Attachment B** to the Staff Report package); and

WHEREAS, the significant and less than significant cumulative environmental impacts of the Project identified in the EIR are described and presented in the Draft EIR and have been identified in the Findings of Fact and Statement of Overriding Considerations (**Attachment B** to the Staff Report package); and

WHEREAS, growth-inducing impacts identified in the EIR are described in Section 6.2 of the DEIR (**Attachment C** to the staff report package); and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section 5.0 of the DEIR (**Attachment C** to the staff report package); and

WHEREAS, the City Council has determined that the benefits of the Project outweigh its potential significant effects, and the basis for that determination is set forth in the Statement of Overriding Considerations included in **Attachment B** to the Staff Report package; and

WHEREAS, the Mitigation Monitoring and Reporting Program sets forth the mitigation measures to which the City shall bind itself in connection with the Project, is adopted herein and is presented as **Attachment D** to the Staff Report package; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information that produced substantial new information requiring recirculation Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on January 14, 2014, the City Council conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard, and the Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIGGS:

SECTION I
CERTIFICATION OF EIR

The City Council finds that it has reviewed and considered the Final EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with the Public Resources Code and the State CEQA Guidelines and that the EIR reflects the independent judgment of the City Council. The City Council consequently certifies the EIR.

The City Council declares that no new significant information as defined by State CEQA Guidelines section 15088.5 has been received by the City after circulation of the Draft EIR nor added by the City to the EIR that would require recirculation.

The City Council certifies the EIR based on, without limitation, the following finding and conclusions:

A. **Finding:** The significant environmental impacts set forth in Section 7.0 *Significant and Unavoidable Environmental Effect* of the Findings of Fact and Statement of Overriding Considerations (**Attachment B** to the Staff Report package) have been identified in the EIR and will require mitigation, but cannot be mitigated to a less than significant level.

B. Conclusions:

1. All significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the identified mitigation measures impacts will be mitigated to a less than significant level, except for the impacts listed in Section 7.0 *Significant and Unavoidable Environmental Effect* of the Findings of Fact and Statement of Overriding Considerations (**Attachment B** to the Staff Report package).
2. Environmental, economic, social and other considerations and benefits derived from the proposed Project override and make infeasible mitigation measures beyond those incorporated into the Project.
3. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic goals and objectives of the Project have been considered and rejected in favor of the proposed City of Biggs Wastewater Treatment Plant Enhancement Project.

SECTION II

ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program presented as **Attachment D** to the Staff Report package. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION III

PROJECT APPROVAL

Based upon the entire record before the City Council, including the above findings and all written evidence presented to the City, the City Council hereby certifies the City of Biggs Wastewater Treatment Plant Enhancement Project Final Environmental Impact Report and approves the project to pursue a land application based wastewater discharge solution.

SECTION IV

CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these Findings have been based are located at City Hall, which is located at 465 C Street, Biggs, CA 95917. The custodian for these records is Mark Sorenson, City Administrator. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION V
STAFF DIRECTION

The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the Butte County Clerk / Recorder's Office and the Office of Planning and Research within five (5) working days of adoption of this Resolution and to continue to pursue the implementation of the project as presented.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 14th day of January, 2014 by the following vote:

AYES:	COUNCILMEMBER	_____
NOES:	COUNCILMEMBER	_____
ABSENT:	COUNCILMEMBER	_____
ABSTAINED:	COUNCILMEMBER	_____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR

FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

CITY OF BIGGS
BIGGS WWTP ENHANCEMENT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE No. 2013042029

Prepared for:

CITY OF BIGGS
465 C STREET
BIGGS, CA 95917

Prepared by:



140 INDEPENDENCE CIR, SUITE C
CHICO, CA 95973

JANUARY 2014

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1.0 INTRODUCTION

1.1 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of these Findings of Fact (Findings) are designed to meet the current requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Final Environmental Impact Report (EIR) for the Biggs Wastewater Treatment Plant (WWTP) Enhancement Project (project; proposed project) identified significant environmental impacts that will result from implementation of the proposed project. However, the City of Biggs (City) finds that the inclusion of certain mitigation measures as part of project approval will reduce all significant impacts to a less than significant level. As required by CEQA, the City, in adopting these Findings of Fact, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The City finds that the MMRP, incorporated by reference into this FEIR, meets the requirements of Public Resources Code Section 21081.6 by providing the implementation and monitoring of measures intended to mitigate the significant effects of the proposed project. In accordance with CEQA and the CEQA Guidelines, the City adopts these Findings of Fact as part of the certification of the Final EIR for the proposed project. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the proposed project.

The Findings of Fact are organized into the following sections:

- **Section 1, Introduction**, outlines the organization of this document and identifies the location and custodian of the record of proceedings.
- **Section 2, Environmental Setting and Project Description**, describes the location and characteristics of the site, project overview, project design standards, project objectives and benefits, and required permits and approvals for the project.
- **Section 3, CEQA Review and Public Participation**, describes the steps the City has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the EIR.
- **Section 4, No Environmental Impacts**, provides a summary of those environmental issue areas where no impacts will occur.
- **Section 5, Less Than Significant Environmental Impacts**, provides a summary of insignificant impacts and a finding adopting the EIR's conclusions of insignificance.
- **Section 6, Less Than Significant Environmental Impacts With Mitigation Incorporated**, provides a summary of potentially significant environmental effects for which implementation of identified feasible mitigation measures will avoid or substantially reduce the environmental effects to less than significant levels.
- **Section 7, Significant and Unavoidable Environmental Impacts**, provides a summary of potentially significant environmental effects for which implementation of feasible mitigation measures will not avoid or substantially reduce the environmental effects to less than significant levels.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

- **Section 8, Feasibility of Project Alternatives**, provides a summary of the alternatives considered for the proposed project.
- **Section 9, Long-Term Implications**, provides a summary of the analysis of any potential long-term implications of the proposed project.
- **Section 10, Findings on Changes to the EIR and Recirculation**, provides a brief overview of reasons for changes to the EIR and why recirculation is unnecessary.
- **Section 11, Findings on Mitigation Monitoring and Reporting Program**, provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a plan for monitoring and reporting compliance with mitigation measures.
- **Section 12, Statement of Overriding Considerations**, provides a statement of the project benefits that outweigh the significant and unavoidable project impact.

1.2 STATUTORY REQUIREMENTS

The California Environmental Quality Act (Public Resources Code Section 21081 et seq.), and particularly the CEQA Guidelines (14 California Code of Regulations, Section 15091 et seq.), require:

- (a) *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
1. *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
 2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
 3. *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the proposed project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the proposed project lies with another agency (CEQA Guidelines Section 15091(a), (b)).

For those significant effects that cannot be mitigated to a less than significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant effects on the environment (Public

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Resources Code Section 21081(b)). The CEQA Guidelines state in Section 15093: "If the specific economic, legal, social, technological, or other benefits...of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings of Fact, the record of proceedings for the proposed project consists of a number of documents and other evidence, including the Notice of Preparation and all other public notices issued by the City in conjunction with the proposed project; the Draft EIR, including all documents included and referenced in the appendices and in references in the Draft EIR; the Final EIR, including all documents included in the appendices and in references in the Final EIR; all written comments and public testimony presented during the public comment period on the Draft EIR; the MMRP; the findings and resolution adopted by the City relative to the certification of the Final EIR; the findings and resolutions adopted by the City in connection with the proposed project and all documents incorporated by reference therein; all final reports, studies, memoranda, maps, staff reports, City reports, and City information packets relating to the proposed project prepared by or at the direction of the City or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA or with respect to the City's actions on the proposed project; all documents submitted to the City by other public agencies or members of the public in connection with the proposed project; the minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed project; any documentary or other evidence submitted to or by the City at such information sessions, public meetings, and public hearings; and any documents cited in these Findings. The documents and other materials that constitute the record of proceedings are located at 465 C Street, Biggs, CA 92595. The City Planning Department is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and California Code of Regulations Title 14, Section 15091(e).

1.3 CERTIFICATION OF FINAL EIR

Pursuant to CEQA Guidelines Section 15090, the City further finds and certifies that:

- a) The Final EIR has been completed in compliance with CEQA;
- b) The Final EIR has been presented to the Biggs City Council, which constitutes the decision-making body of the lead agency, and the Council has reviewed and considered the information contained in the Final EIR prior to approving the project; and
- c) The Final EIR reflects the City's independent judgment and analysis.

2.0 ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

2.1 ENVIRONMENTAL SETTING

Location

Biggs is located in southwestern Butte County, California, approximately 65 miles northeast of Sacramento. The city is located approximately 1 mile west of State Route 99 and lies within the area between the Feather River to the east and the Sacramento River to the west,

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

approximately 25 miles south of Chico and approximately 25 miles north of Yuba City (see Figure 2.0-1 of the DEIR). The City's wastewater treatment plant (WWTP) is accessed via West Biggs Gridley Road and is located approximately one-half mile southwest of the urban developed area of the city at 2951 West Biggs Gridley Road. The project is located in Sections 13, 14, and 23, T18N, R2E, Mount Diablo Base & Meridian, USGS Biggs, CA, Quad map (Latitude 39°24'42.71"N, Longitude 121°42'46.55"W) (see Figure 2.0-2 of the DEIR).

2.2 PROJECT DESCRIPTION

PROJECT BACKGROUND

The City owns the WWTP, and this facility is subject to the requirements set forth by the Central Valley Regional Water Quality Control Board (CVRWQCB). The current CVRWQCB National Pollutant Discharge Elimination System Permit (No. CA0078930, October 2012) contains stringent ammonia removal requirements; the WWTP is currently in violation of this permit. The current permit limits are 1.23 milligrams of ammonia per liter of effluent averaged monthly and 2.15 milligrams of ammonia per liter of effluent discharged daily into the receiving water, which is an agricultural drainage channel called Lateral K. (Lateral K drains into Butte Creek, which eventually connects with the Sacramento River.) The existing aerated lagoon process at the WWTP has a limited capacity for nitrogen removal and as such, the average monthly ammonia concentration in the plant effluent over the last several years has been approximately 9 milligrams per liter of effluent, with daily maximums of about 14 milligrams per liter (mg/L) of effluent. The permit specifies that interim effluent limitations for ammonia ended on December 31, 2008. The current permit limits are 1.23 mg/L average monthly and 2.15 mg/L maximum daily effluent limitation for total ammonia discharge into the receiving water.

On October 4, 2012, the City of Biggs received Time Schedule Order (TSO) R5-2012-0048 from the CVRWQCB. The TSO found that the City was not able to consistently comply with the new effluent limitation for ammonia and as such, changes to the City's Wastewater Treatment Plant were necessary. The City has completed numerous investigations in order to comply with NPDES Permit No. CA0078930 and the Time Schedule Order. Based on these investigations, options for wastewater disposal were narrowed to a land application solution requiring up to 160 acres. Specifically, the City proposes to improve the current effluent disposal method employed at the Biggs WWTP and comply with the CVRWQCB's waste discharge requirement by applying treated wastewater to land either located directly west of the WWTP (West Option) or directly south of the WWTP (South Option), thereby beneficially using the effluent for reclamation by growing fodder crops for off-site livestock animals. The determination of whether to employ the West Option or the South Option is contingent on which subject property is inevitably purchased by the City. The City is proposing to approve and implement this project in order to comply with Permit No. CA0078930.

PROJECT CHARACTERISTICS

The City's WWTP Enhancement Project proposes to develop a new effluent disposal process that consists of a reclamation/land disposal system (effluent land disposal system). The net effect of the proposed project is a cessation of all effluent discharged to Lateral K, which drains into Butte Creek, which in turn connects with the Sacramento River. The proposed project would not increase the capacity of the existing WWTP beyond its current permitted design capacity of 0.38 mgd or its peak facility design flow of 1.05 mgd.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The key outcome of the proposed effluent disposal process would result in compliance with NPDES Permit No. CA0078930 and dissolution of the permit. The use of a land disposal system will allow the City to eliminate the surface discharge of wastewater effluent, which would result in the release the City from the NPDES permit and convert the facility to a waste discharge requirements (WDR) permit facility.

The project will involve two phases. Phase 1 will involve planning of the overall project (Phase 1 and 2), on-site upgrades to the site in preparation to complete Phase 2. The on-site improvements consist of improvements to the existing influent pump station, the addition of a new mechanical intake screen, improvements to the rock filter, improvements to the chlorine delivery system, and improvements to the electrical power and controls for the treatment plant. The potential environmental effects associated with implementation of the Phase 1 portion of the project were analyzed in a previous environmental document (SCH# 2009042016). Phase 2 involves the purchase of 140 to 160 acres of adjacent land to accommodate this upgrade to a land disposal facility, an effluent pump station to support transport of the treated wastewater to the adjacent land, modifications to the irrigation, tail water, aeration system, and chemical systems, and minor modifications to the controls to support the new pump station.

The effluent land disposal process involves the design and development of an effluent land disposal system wherein treated effluent from the WWTP would be used to irrigate agricultural lands associated with growing fodder crops for off-site livestock animals. An irrigation method called Type I irrigation would be employed, which is the application of water at a rate and volume that does not exceed the agronomic rate. The agronomic rate is the amount of water needed for photosynthesis and cellular growth and accounts for soil water losses due to vegetative transpiration and evaporation, as well as proper soil fertility management. Location, humidity, soil type, rain patterns, vegetation type, and percentage of coverage are factors that have an effect on the agronomic rate. In contrast, Type II irrigation allows the potential for a significant amount of water to percolate beyond the rooting zone into the subsoil and eventually into the groundwater. To abate potential groundwater impacts, only the Type I irrigation method would be used when irrigating with treated effluent for this project.

As previously stated, the City proposes to apply treated wastewater to land either located directly west of the WWTP (West Option) or directly south of the WWTP (South Option). Either option would require that the City control how treated water is applied, the type of crops planted, and how tailwater is controlled across the site in accordance with state regulations. No NPDES permit would be needed for this treatment and disposal scheme. Instead, the CVRWQCB would issue waste discharge requirements (WDRs) in accordance with the wastewater disposal/reuse criteria established by the California Department of Health Services codified in Title 22, Division 4, Chapter 3 of the California Code of Regulations. These regulations are designed to protect the public from exposure to pathogenic (disease-causing) organisms that exist in wastewater. The proposed project would involve treatment of wastewater to similar levels as currently provided by the WWTP, seasonal storage, and irrigation of fodder crops for use in animal feed. In the case of either the South Option or the West Option, the project would utilize ammonia (nitrogen-rich effluent) to produce a feed-grade agricultural product. The effluent would serve as a nutrient and provide the required water for crop production. The amount of land necessary to accommodate the City's effluent land disposal system, in consideration of the soil types found on the lands surrounding the WWTP as well as the effluent treatment capacity at the WWTP, is at least 140 acres. The West Option property is currently in rice cultivation, and the South Option property is currently fallow. Each property is larger than 140 acres.

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Effluent salinity has the potential to have significant adverse impacts on the environment, and high salt levels will decrease crop yields. In general, irrigation tends to concentrate salts in the soil, yet treated wastewater tends to have higher salt levels than other sources of irrigation water. Therefore, there is potential for salinity levels (represented as total dissolved solids (TDS) or electrical conductivity (EC) to increase in groundwater down-gradient of the site. Currently, the EC of Biggs effluent is somewhat less than 200 umhos/cm. The 700 mmhos/cm EC value has been referenced as a conservative level for protection of all types of crops without the need for flushing water. After some evaporation in the seasonal storage basins, the salt levels would be expected to increase above their current levels and fluctuate somewhat based on the water year. In order to reduce salinity levels from accumulating to impactful levels in the soil, the land disposal system would use a field rotation schedule that alternates the irrigation water source such that canal irrigation water would be used during periodic irrigation seasons (approximately one out of every three seasons). This strategy will result in a soil column beneath each field periodically receiving an infusion of canal water.

Biosolids are the organic solids that decompose and stabilize in the bottom of the treatment ponds over a long period of time. Biosolids are commonly used as an organic agricultural soil amendment. Given the nature of the pond treatment process, the biosolids typically need to be removed on a cycle of decades rather than annually. Prior to application of any biosolids, a separate Biosolids Management Plan would be required to be developed, submitted, and approved by the CVRWQCB. The Biosolids Management Plan would provide information on the quantity and quality of the biosolids to be applied, the area where they would be applied, the application method, record keeping, and other information. The biosolids application rate would be limited by the agronomic demand for nitrogen of the fodder crops grown. Biosolids application would take place during the dry months of the year in accordance with CVRWQCB provisions detailed in 40 Code of Federal Regulations (CFR) Part 503, which regulates the final use of biosolids generated at publicly owned treatment works. However, all wastewater treatment will occur at the City's existing wastewater treatment plant and no biosolids will be present at the project site. As such, no biosolid related issues will be present at the project site and no separate Biosolids Management Plans are required or necessary for this project.

WEST OPTION

In the event that treated effluent is applied to the property adjacent to the west of the WWTP (West Option), wastewater would be treated to similar levels as currently provided by the plant. After treatment, the disinfected water would be directed into a new pump station located adjacent to the existing dechlorination building. Next, it would be pumped from the WWTP site via a new underground pipeline traversing underneath Lateral K and the Belding Lateral Canal to the first of two proposed storage basins on the property. The basins would cover areas of 33 acres each (66 acres combined) and would be sized to hold 105 million gallons each (210 million gallons combined), which are the necessary dimensions to provide seasonal storage of water under 100-year winter climatic conditions.¹ In wet years, both basins would be used. In drier years, one basin may be empty or partially full. Each basin would be filled in succession via an operator-controlled manual valve system and weir boards. The basin system may be equipped with a circulation system that would assist in the reduction of algal growth. The water

1. A water balance evaluation was prepared to determine the land use requirements for storage and land disposal. The normal rainfall year and 100-year rainfall years were used for analysis. Based on the water balance for alfalfa and rice, the normal water year storage capacity is 210 million gallons, requiring 66 acres of land for storage.

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would be stored generally from October or November until May or June and then applied on City-controlled cropland during the irrigation season. In the rare event that the 100-year winter storm event is surpassed in terms of intensity, to a point in which both storage ponds reach capacity, emergency discharge would commence directly into the agricultural drainage ditch directly to the west of the proposed West Option property.

The storage basins would be constructed of earthen berms from on-site soils. Project site soils are Esquon-Neerdobe, and this soil is characterized as silty clay, moderately cemented clay loam, and strongly cemented duripan. Due to the presence of Esquon-Neerdobe soils on-site, the storage basins are not proposed to be lined, as the cemented clay loam and duripan aspects of these soils allow for minimal water percolation from the basins.

Eighty (80) acres of land just north of the storage basins would be used for land disposal by growing feed-grade fodder crops, most likely alfalfa.² This acreage would be flood irrigated with disinfected effluent, which would meet Title 22 recycled water requirements. A perimeter tailwater ditch and pump system spanning 2 acres would be employed to prevent irrigation water or first seasonal rainfall from discharging. The collected tailwater would be pumped back to the storage system for reuse. After the first seasonal rainfall, precipitation runoff would be allowed to discharge to the existing and unnamed agricultural drainage canal directly adjacent to the western boundary of the West Option site.

SOUTH OPTION

In the event that treated effluent is applied to the property adjacent to the south of the WWTP (South Option), virtually every aspect of the project as proposed under the West Option would remain the same, with the notable exception that treated effluent from the WWTP would be pumped from the WWTP south, via a new underground pipeline traversing underneath an agricultural runoff ditch known as the Main Drainage Canal to the first of two proposed storage basins on the property to the south of the WWTP.

Under the South Option, the first of two basins would cover 28 acres and would be sized to hold 90 million gallons of effluent, and the second basin would cover 38 acres and be sized to hold 120 million gallons. Combined, the two storage basins would cover 66 acres and hold 210 million gallons of effluent. As with the West Option, both basins would be used in wet years. In drier years, one basin may be empty or partially full. Each basin would be filled in succession via an operator-controlled manual valve system and weir boards. Similar to the West Option, the water would be stored generally from October or November until May or June and then applied on City-controlled cropland south of the storage basins during the irrigation season. In the rare instance the 100-year winter storm event is surpassed in terms of intensity, to a point in which both storage ponds reach capacity, emergency discharge would commence directly into the agricultural drainage ditch directly to the west of the proposed South Option property.

As with the West Option, the storage basins would be constructed of earthen berms from on-site soils, are not proposed to be lined, and would have maintenance access roads positioned on top of earthen berms.

2. The land area required for land disposal accounting for the 100-year rainfall year is approximately 70 acres if feed-grade alfalfa is irrigated and is approximately 84 acres if feed-grade rice is irrigated. Additional area for tailwater and irrigation ditches, checks, and levees is required for farming.

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Seventy-seven (77) acres of land just south of the storage basins would be used for land disposal by growing feed-grade fodder crops, most likely alfalfa. This acreage would be flood irrigated with disinfected effluent that would meet Title 22 recycled water requirements. A perimeter tailwater ditch and pump system spanning 2 acres would be employed to prevent irrigation water or first seasonal rainfall from discharging. The collected tailwater would be pumped back to the storage system for reuse. After the first seasonal rainfall, precipitation runoff would be allowed to discharge to the existing agricultural drainage canal located directly adjacent to the western boundary of the South Option site.

The proposed land disposal system is relatively simple and low technology. The basic main components include a pump station at the existing WWTP, an underground transmission pipeline from the existing WWTP to the irrigation fields, effluent storage basins, an irrigation pump station adjacent to the storage basins, an irrigation water delivery system, and an irrigation tailwater collection system. Regardless of which option is employed for the proposed effluent land disposal system, the following improvements would be necessary and are proposed as part of the project.

Addition of an effluent pump station in order to pump effluent to storage basins. Improvements would include:

- Addition of new wet well and pump equipment located at the WWTP.
- Site and piping improvements.
- All ancillary facilities for a whole and complete pumping facility.

Addition of an effluent pipeline from the new pump station to the storage basins. Improvements would include:

- Placement of a new 10-inch pipe along a designated, underground alignment to connect the WWTP and storage basins.

Construction of storage basins. Improvements would include:

- Incorporation of earthen berm basins to store effluent during periods when land application of effluent is not desirable (wet weather months).
- Incorporation of embankments.
- Installation of inlet/outlet piping.
- Level instrumentation.
- Booster pump stations for sprinkler applications for land disposal system.
- Site and piping improvements.
- Electrical and instrumentation improvements.

- Incorporation of tailwater basin.
- Incorporation of maintenance access roads on top of earthen berms.

Addition of flood irrigation for land application of effluent. Improvements would include:

- Distribution piping.

LAND USE PLANNING

The land associated with both the West Option and the South Option are located immediately adjacent to the City's Sphere of Influence (SOI) boundary and city limits, but is outside of the City's jurisdiction. These lands are within the land use jurisdiction of Butte County and have a Butte County General Plan designation of Agriculture (20–320 acres) and are zoned Agriculture – 20. Public and quasi-public uses such as that proposed by the project are allowed on lands in the Butte County Agriculture – 20 Zone with a conditional use permit from Butte County.

However, as a result of the proposed project, it may become desirable and/or necessary to assess changes to the City's SOI. The Butte Local Agency Formation Commission (Butte LAFCo), the agency that reviews and evaluates all proposals for annexations to cities, to support the potential amendment of the City's SOI and annexation of the selected site into the City of Biggs, may use the EIR. The proposed project itself is not a SOI amendment request or application. There are specific requirements and processes administered by Butte LAFCo for sphere of influence amendment and annexation requests. The City may prepare supporting materials and pursue an SOI amendment and annexation request separately from the proposed project's environmental review process. In the case of a SOI amendment and annexation, the City would also be required to amend the City General Plan and pre-zone the affected lands prior to any Butte LAFCo actions.

3.0 CEQA REVIEW AND PUBLIC PARTICIPATION

The City complied with the CEQA Guidelines during the preparation of the Draft EIR for the proposed project. The Draft EIR, dated October 10, 2013, was prepared following input from the public, responsible agencies, and affected agencies through the Draft EIR scoping process. In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse, responsible agencies, affected agencies, and other interested parties on May 8, 2013. Information requested and input provided during the 30-day NOP comment period regarding the scope of the environmental document are included in the EIR. The public review period for the NOP was from May 8, 2013, to June 8, 2013, and the public review period for the Notice of Availability/Draft EIR was from October 10, 2013, to November 25, 2013.

3.1 NOTICE OF PREPARATION

A Notice of Preparation (NOP) was prepared per CEQA Guidelines Section 15082. Public outreach for the NOP included distribution using the methods described below.

Overnight and Certified Mail

The NOP was sent to seven local agencies and the Office of Planning and Research, State Clearinghouse for distribution to two state agencies. During the public scoping/comment period,

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the NOP was made available for review at the following location: Biggs City Hall located at 465 C Street, Biggs, CA 95917.

3.2 NOTICE OF AVAILABILITY AND DRAFT ENVIRONMENTAL IMPACT REPORT

Upon completion of the Draft EIR, and in accordance with CEQA Guidelines Section 15087(a), the Notice of Availability (NOA) was prepared and published. Public outreach for the Draft EIR included distribution of the NOA using the following methods:

Overnight and Certified Mail

The NOA and Draft EIR were sent to seven interested agencies/organizations and the Office of Planning and Research, State Clearinghouse for distribution to three state agencies. During the public review period, the EIR was made available for review at the following location: Biggs City Hall located at 465 C Street, Biggs, CA 95917.

4.0 NO ENVIRONMENTAL IMPACTS

Based on the Draft EIR, the Final EIR, and the record of proceedings, the City of Biggs finds that the proposed project will have no environmental impacts for specific topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

- Air Quality (conflict with the NSVPA 2009 Air Quality Attainment Plan, pp. 3.2-14 through -15)
- Biological Resources (impacts to riparian habitat or sensitive natural communities, pp. 3.3-32 through -33; impacts to wildlife movement, p. 3.3-34; conflict with local policies and ordinances, p. 3.3-34; conflict with conservation plans, p. 3.3-35; impacts to special-status species populations, p. 3.3-35)
- Cultural and Paleontological Resources (impacts to prehistoric and historic resources, pp. 3.4-9 through -11)
- Hydrology and Water Quality (impacts to surface water quality – operation of wastewater treatment plant and Lateral K discharges, p. 3.6-9; impacts to surface water and groundwater quality – operation of the effluent land disposal system, pp. 3.6-9 through -11; cumulative water quality degradation, p. 3.6-11)

4.1 AIR QUALITY

Conflict with the NSVPA 2009 Air Quality Attainment Plan (pp. 3.2-14 through -15)

The proposed project would not result in an increase in population or generate new traffic and therefore would not disrupt or hinder implementation of any Northern Sacramento Valley Planning Area (NSVPA) Air Quality Attainment Plan control measures.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not conflict with the NVSPA 2009 Air Quality Attainment Plan.

4.2 BIOLOGICAL RESOURCES

Impacts to Riparian Habitat or Sensitive Natural Communities (pp. 3.3-32 through -33)

In the case of the West Option, treated effluence would be pumped from the WWTP site via a new underground pipeline traversing underneath Lateral K and the Belding Lateral Canal to the first of two proposed storage basins on the property (Figure 2.0-4 of the DEIR). In the case of the South Option, treated effluent from the WWTP would be pumped from the WWTP south, via a new underground pipeline traversing underneath an agricultural runoff ditch known as the Main Drainage Canal as well as under the Fleming Lateral (Figure 2.0-6 of the DEIR) to the first of two proposed storage basins on the property to the south of the WWTP. Therefore, in the case of either the West Option or the South Option, underground pipeline traversing underneath existing canals would be employed, thereby avoiding impacts to these features.

Impacts to Wildlife Movement (p. 3.3-34)

The CDFW Biogeographic Information & Observation System Habitat Connectivity Viewer was reviewed to determine if the project site is located within an Essential Connectivity Area. The project does not occur within an Essential Connectivity Area, and the proposed activities would not result in a significant change in use intensity that would alter the movements of wildlife currently utilizing the project study area (PSA). As a result, no impact to the movements of any native resident or migratory wildlife corridors or the use of native wildlife nursery sites will occur as a result of the proposed project.

Conflict with Local Policies and Ordinances (p. 3.3-34)

The proposed project would not conflict with any local policies or ordinances protecting biological resources. As such, no conflict is anticipated.

Conflict with Conservation Plans (p. 3.3-35)

The PSA is located within the Butte Regional Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) planning area; however, this plan has not been adopted to date. As a result, no conflict with an adopted HCP/NCCP will occur.

Impacts to Special-Status Species Population (p. 3.3-35)

Mitigation measures identified in the DEIR (MM 3.3.1, MM 3.3.2a through 3.3.2c, MM 3.3.3a through 3.3.3c, and MM 3.3.5a through MM 3.3.5b) will ensure that the proposed project does not reduce sensitive species, habitats, and/or other biological resources below self-sustaining levels. As such, there would be no impact.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in impacts to riparian habitat or sensitive natural communities, result in impacts to wildlife movement, conflict with local policies and ordinances, conflict with conservation plans, or result in impacts to special-status species populations.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

4.3 CULTURAL AND PALEONTOLOGICAL RESOURCES

Impacts to Prehistoric and Historic Resources (p. 3.4-9)

Three potential historic resources were identified on the property as a result of the records search and field survey, yet none of these resources have been recorded or evaluated for significance. Regardless of the historical significance of these resources, the proposed project would not negatively impact any of them as they would be avoided during construction activities and are not included in project designs and/or operations.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in impacts to prehistoric and historic resources.

4.4 HYDROLOGY AND WATER QUALITY

Degrade Surface Water Quality – Operation of the Wastewater Treatment Plant and Lateral K Discharges (p. 3.6-9)

The WWTP is currently in violation of CVRWQCB NPDES Permit (No. CA0078930) for ammonia nitrogen. The current permit limits are 1.23 milligrams of ammonia per liter of effluent averaged monthly and 7.44 milligrams of ammonia per liter of effluent discharged daily into the receiving water, which is an agricultural drainage channel called Lateral K. (Lateral K eventually drains into Butte Creek, which eventually connects with the Sacramento River.) The existing aerated lagoon process at the WWTP has a limited capacity for nitrogen removal. As such, the average monthly ammonia concentration in the plant effluent over the last several years has been approximately 9 milligrams per liter of effluent, with daily maximums of about 14 milligrams per liter of effluent. The City has completed numerous investigations in order to comply with NPDES Permit No. CA0078930. Based on these investigations, options for wastewater disposal were narrowed to a land application solution requiring up to 148 acres as proposed by this project. Specifically, the City proposes to develop a new effluent disposal process that consists of a reclamation/land disposal system (effluent land disposal system). The net effect of the proposed project is compliance with NPDES Permit No. CA0078930 due to the cessation of all effluent discharged to Lateral K. This is an improvement over existing conditions where all effluent is discharged to Lateral K.

Degrade Surface Water and Groundwater Quality – Operation of the Effluent Land Disposal System (pp. 3.6-9 through -11)

As stated previously, the current CVRWQCB NPDES Permit (No. CA0078930) contains stringent ammonia nitrogen removal requirements; the WWTP is currently in violation of this permit. The current permit limits are 1.23 milligrams of ammonia per liter of effluent averaged monthly and 2.15 milligrams of ammonia per liter of effluent discharged daily into the receiving water, which is an agricultural drainage channel called Lateral K. (Lateral K drains into Butte Creek, which eventually connects with the Sacramento River.) The City has completed numerous investigations in order to comply with NPDES Permit No. CA0078930. Based on these investigations, options for wastewater disposal were narrowed to an effluent land application solution requiring up to 148 acres as proposed by this project. The net effect of the proposed project is compliance with NPDES Permit No. CA0078930 due to the cessation of all effluent discharged to Lateral K. This is an improvement over existing conditions.

Cumulative Water Quality Degradation (p. 3.6-11)

As previously discussed, improvements to the WWTP would result in improved water quality associated with effluent discharges to Lateral K. As such, no cumulative impacts from this portion of the WWTP improvement project are expected.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in impacts to surface water quality – operation of wastewater treatment plant and lateral K discharges; impacts to surface water and groundwater quality – operation of the effluent land disposal system; and cumulative water quality degradation.

5.0 LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS

Based on the Draft EIR, the Final EIR, and the record of proceedings, the City of Biggs finds that the proposed project will result in less than significant environmental impacts without any mitigation measures for all of the specific topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

- Agricultural Resources (conflicts with agricultural/urban interface, p. 3.1-5)
- Air Quality (long-term operational emissions of air pollutants resulting in violation of air quality standards or contributing to existing violations, pp. 3.2-12 through -14; cumulatively considerable net increase in nonattainment criteria pollutant, p. 3.2-16)
- Climate Change and Greenhouse Gases (GHG emissions, pp. 3.5-14 through -17)
- Hydrology and Water Quality (impacts associated with construction water quality degradation, pp. 3.6-7 through -8)
- Hazardous Materials/Human Health (accidental release of hazardous materials, p. 3.7-9; cumulative hazards and hazardous material impacts, p. 3.7-11)

5.1 AGRICULTURAL RESOURCES

Agricultural/Urban Interface Conflicts (p. 3.1-5)

Eighty (80) acres of the project site would remain in agricultural production, and the 66 acres proposed to accommodate two storage basins would be used as a water supply reservoir for the on-site agricultural operation (storage basins are compatible with agricultural use). Furthermore, the proposed project would not increase capacity at the existing WWTP and therefore would not instigate population growth.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with agricultural/urban interface conflicts.

5.2 AIR QUALITY

Long-Term Operational Emissions of Air Pollutants Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (pp. 3.2-12 through -14)

As discussed in the DEIR (see Section 3.2, Air Quality, of the DEIR), the proposed project would not result in increased mobile- or stationary-source combustion emissions. As such, no net increase of other criteria air pollutants, including nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}), would be anticipated to occur with project implementation. Additionally, the proposed project would not exceed the significance threshold of 137 pounds per day of evaporative volatile organic compound/reactive organic gas (VOC/ROG) emissions.

Result in a Cumulatively Considerable Net Increase in Nonattainment Criteria Pollutants (p. 3.2-16)

The Butte County Air Quality Management District's (BCAQMD) approach for assessing cumulative impacts is based on the Air Quality Management Plan's forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and California Clean Air Acts. As discussed earlier, the proposed project would be consistent with the NSVPA 2009 Air Quality Attainment Plan, which is intended to bring the basin into attainment for all criteria pollutants. In addition, the construction and operations emissions calculated for the proposed project are less than the applicable BCAQMD daily significance thresholds designed to assist the region in attaining the applicable California and national ambient air quality standards.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with long-term operational emissions of air pollutants resulting in violation of air quality standards or contributing to existing violations and a cumulatively considerable net increase in nonattainment criteria pollutants.

5.3 CLIMATE CHANGE AND GREENHOUSE GASES

GHG Emissions (pp. 3.5-14 through -17)

As shown in Table 3.5-6 of the DEIR (Section 3.5, Climate Change and Greenhouse Gases), project greenhouse gas emissions would not surpass the San Luis Obispo County Air Pollution Control District (SLOAPCD) significance threshold of 1,150 metric tons of carbon dioxide equivalents (CO₂e) annually. While SLOAPCD thresholds are not binding on the Butte County Air Quality Management District or the City of Biggs, they are instructive for comparison purposes. For instance, the SLOAPCD significance threshold was established with the purpose of complying with Assembly Bill (AB) 32. Therefore, since greenhouse gas (GHG) emissions associated with the proposed project would not exceed this threshold, the project would be compliant with AB 32, and associated GHG emissions would not result in a significant impact to the environment.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with GHG emissions.

5.4 HYDROLOGY AND WATER QUALITY

Degrade Water Quality – Construction (pp. 3.6-7 through -8)

Compliance with the requirements of the SWRCB statewide general permits for construction and dewatering would ensure that water quality degradation during the construction phase of the proposed project would be less than significant.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with the degradation of water quality during construction.

5.5 HAZARDOUS MATERIALS/HUMAN HEALTH

Accidental Release of Hazardous Materials (pp. 3.7-9 through -10)

The California Accidental Release Prevention program, as administered by the Butte County Environmental Health Department, seeks to prevent accidental releases of regulated substances that potentially pose the greatest risk of immediate harm to the public and the environment. The program requires that any owner or operator of a stationary source with more than the threshold quantity of a regulated substance be evaluated to determine the potential for accidental releases. The list of substances regulated by the California Accidental Release Prevention program is located in Title 19, Article 8, Section 2770.5, of the California Code of Regulations. In addition, the use, disposal, and transportation of all hazardous materials associated with the proposed project would require compliance with federal, state, and local regulations regarding hazardous materials. Proper management of hazardous materials consistent with these regulations would serve to reduce the risk of accidental release of hazardous materials.

Cumulative Hazards and Hazardous Material Impacts (p. 3.7-11)

The project site is located in a rural area. There are no identified hazardous material sites on the proposed project site or in the surrounding area on adjacent sites. Surrounding land is vacant or agricultural and typically does not involve extensive use or transport of hazardous materials. Additionally, the proposed project would not increase the exposure to persons or structures to wildland fires beyond current conditions. Mitigation identified under Impact 3.7.2 would reduce the proposed project's contribution to hazard impacts under cumulative conditions.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated the accidental release of hazardous materials and cumulative hazards and hazardous materials.

6.0 LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS WITH MITIGATION INCORPORATED

Based on the Draft EIR, the Final EIR, and the record of proceedings, the City of Biggs makes the following findings associated with significant, potentially significant, and cumulatively significant impacts that can be mitigated to a less than significant level through implementation of proposed mitigation measures for all of the specific topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

- Air Quality (short-term construction-generated pollutant emissions resulting in violation of air quality standards or contributing to existing violations, pp. 3.2-10 through -12)
- Biological Resources (impacts to special-status plant species, pp. 3.3-23 through -25; impacts to special-status wildlife species – giant garter snake, pp. 3.3-25 through -30; impacts to special-status birds, pp. 3.3-30 through -32; impacts to federally protected wetlands, pp. 3.3-33 through -35; cumulative biological resource impacts, p. 3.3-36)
- Cultural and Paleontological Resources (impacts to unknown prehistoric and historic resources, pp. 3.4-11 through -12; impacts to paleontological resources, p. 3.4-12; cumulative impacts on historic and prehistoric resources, p. 3.4-13; cumulative impacts on paleontological resources, p. 3.4-13)
- Climate Change and Greenhouse Gases (conflict with the goals of AB 32, pp. 3.5-18 through -19)
- Hazardous Materials/Human Health (increased exposure to disease associated with mosquito vectors, p. 3.7-10)

6.1 AIR QUALITY

Short-Term Construction-Generated Pollutant Emissions Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (pp. 3.2-10 through -12)

As discussed in Section 3.2, Air Quality, of the DEIR, the BCAQMD considers emissions in excess of Level C thresholds to have a significant air quality impact. Emissions below Level C thresholds are considered potentially significant and subject to the recommended mitigation of BCAQMD's Standard Mitigation Measures and Best Available Mitigation Measures. All criteria pollutant emissions would remain below their respective thresholds, with the exception of NOx emissions, which surpass Level A thresholds.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to air quality (short-term construction-generated pollutant emissions resulting in violation of air quality standards or contributing to existing violations). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.2.1 During all phases of project development, the project shall adhere to the following basic construction mitigation measures:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
7. A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Residual Impact

After the implementation of mitigation measure MM 3.2.1, the proposed project's impacts on air quality would be less than significant.

6.2 BIOLOGICAL RESOURCES

Impacts to Special-Status Plants Species (pp. 3.3-23 through -25)

As discussed in Section 3.3, Biological Resources, of the Draft EIR, suitable habitat for two listed plant species occurs within the PSA.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to special-status plant species). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.3.1 Rare Plant Surveys. The City shall retain a qualified biologist to perform focused surveys to determine the presence/absence of special-status plant species with potential to occur in and adjacent to (within 25 feet, where appropriate) the proposed impact area, including construction access routes. These surveys shall be conducted in accordance with the Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities (Nelson 1994). These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys shall be scheduled to coincide with known flowering periods, and/or

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during appropriate developmental periods that are necessary to identify the plant species of concern.

If any state- or federally listed, CNPS List 1, or CNPS List 2 plant species are found in or adjacent to (within 25 feet) the proposed impact area during the surveys, these plant species shall be avoided to the extent possible and the following mitigation measures shall be implemented:

1. In some cases involving state-listed plants, it may be necessary to obtain an incidental take permit under Section 2081 of the FGC (2081 permit). The City shall consult with the CDFW to determine whether a 2081 permit is required and obtain all required authorizations prior to initiation of construction activities.
2. Before the approval of grading plans or any ground-breaking activity within the PSA, the City shall submit a mitigation plan concurrently to the CDFW and the USFWS (if appropriate) for review and comment. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for impacts to special-status plant species can include implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites (if feasible), or through the purchase of credits from an approved mitigation bank, if available. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. The final mitigation strategy for directly impacted plant species shall be determined by the CDFW and the USFWS (if appropriate) through the mitigation plan approval process.
3. Any special-status plant species that are identified adjacent to the PSA, but not proposed to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on project plans.

Impacts to Special-Status Wildlife Species – Giant Garter Snake (pp. 3.3-25 through -30)

Suitable aquatic and upland giant garter snake habitat occurs across the PSA (see Figure 3.3-3 of the DEIR). The West Option active rice field provides suitable aquatic habitat; the South Option, however, does not contain suitable aquatic or upland habitat because this field is no longer in active rice cultivation, and the high groundwater table precludes the establishment of small mammal burrows required for refugia by giant garter snakes. Lastly, the berms and levees associated with the canals adjacent to the PSA contain a healthy population of ground squirrels and were therefore determined to provide suitable upland habitat for giant garter snakes. As a result, implementation of project-related activities has the potential to result in adverse impacts to this species or their habitat should they be present in areas proposed for disturbance.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to special-status wildlife species – giant garter snake). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.3.2a Biological Monitoring and Worker Environmental Awareness Training. A qualified biologist(s) shall monitor construction activities that could potentially cause significant impacts to sensitive biological resources. In addition, the City shall retain a qualified biologist to conduct mandatory contractor/worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the identified location(s) of sensitive biological resources, including how to identify species with the potential to occur in the construction area and the need to avoid impacts to biological resources (e.g., plants, wildlife, and jurisdictional waters), and to brief them on the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the project, the contractor will ensure that they receive the mandatory training before starting work.

MM 3.3.2b Consultation with US Fish and Wildlife Service. The City shall consult with the USFWS regarding impacts to giant garter snake habitat. An incidental take permit may be required. Authorization for incidental take would be initiated by formal consultation under Section 7 of the federal Endangered Species Act. During this consultation, a compensatory mitigation plan shall be developed and approved by the USFWS to minimize the effects of loss and disturbance to giant garter snake habitat.

In addition, a management plan shall be developed for maintenance of the proposed storage ponds, and submitted to the USFWS for review and approval. As part of the plan, the City shall work with the USDA and the Department of Pesticide Regulation, and shall follow the County Guidelines regarding the use of rodenticides and herbicides. If rodent control must be conducted, zinc phosphide or other compounds approved by the USFWS shall be used to lower the risk to giant garter snake.

MM 3.3.2c Implementation of Standard Avoidance Measures. The project proponent shall implement all of the minimization and avoidance measures found in Appendix C of the *1997 Programmatic Consultation with the US Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* (USFWS file #1-1-F-97-149), except the restriction of construction only occurring between May 1 and October 1 (see a) below).

- a) Exclusionary fencing will be installed at the limits of the temporary construction zone to protect adjacent, undisturbed giant garter snake habitat. Placement and installation of the exclusionary fencing shall be approved by the USFWS during Section 7 consultation. The exclusionary fencing will be maintained by the construction contractor during all phases of construction. Any breaches in the fencing shall be fixed within a 24-hour period.
- b) The City or contractor will prohibit the use of plastic, monofilament, jute, or similar erosion control matting that could entangle snakes at the project site.

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- c) Within 24 hours of the commencement of ground-disturbing activities, the project site will be inspected for giant garter snakes by a qualified biologist. The survey shall be repeated if a lapse in construction activities of two weeks or greater occurs. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. All sightings and incidental take shall be reported to the USFWS immediately via telephone at (916) 414-6600.
- d) Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
- e) After completion of construction activities, any temporary fill and construction debris shall be removed and disturbed areas restored to pre-project conditions, where feasible. Restoration work may include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel.

Special-Status Birds (pp. 3.3-20 through -32)

Implementation of project-related activities could result in the loss of populations or essential habitat for special-status avian species, including raptors. The PSA may provide suitable wintering habitat for sandhill cranes, foraging habitat for Swainson's hawk, and foraging and nesting habitat for northern harriers, as well as nesting and/or foraging habitat for other migratory birds and raptors not identified in Table 3.3-1 (see Section 3.3, Biological Resources, of the DEIR).

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to special-status birds). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.3.3a Sandhill Crane Preconstruction Surveys. If construction will occur during the wintering period (September to mid-March), a qualified biologist shall conduct surveys within 14 days of project initiation for the purpose of identifying feeding and/or roosting areas in the project vicinity. Roosting and feeding areas shall be avoided while they are occupied by sandhill cranes. Typically, sandhill cranes will disperse from roost sites in the morning and return during late afternoon, and will arrive at feeding areas in the morning and disperse by late afternoon.

MM 3.3.3b Raptor Surveys. If clearing and/or construction activities will occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 500-foot buffer (if feasible).

If active nest sites are identified within 500 feet of project activities, the applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction- or access-related disturbances to nesting raptors. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 250 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 250 feet) of LOPs may be adjusted through consultation with the CDFW and/or Butte County.

MM 3.3.3c Nesting Bird Surveys. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer.

If active nest sites are identified within 200 feet of project activities, the applicant shall impose an LOP for all active nest sites prior to commencement of any project construction activities to avoid construction- or access-related disturbances to migratory bird nesting activities. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 100 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the CDFW and/or Butte County.

Impacts to Federally Protected Wetlands (p. 3.3-33 through -35)

There are no anticipated impacts to waters of the United States as a result of the proposed project. As mentioned in Section 3.3, Biological Resources, of the DEIR, the installation of a new distribution line would be achieved by bore and jack methods that would avoid impacts to the canals or associated berms. However, it is currently unclear as to the jurisdictional status of rice fields since a specific determination of whether they are considered waters of the United States has not been clearly defined by state and federal regulators. Therefore, although no impacts are projected, the jurisdictional status of the West Option rice field drainage is unclear as to whether or not it is considered waters of the United States.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to federally protected wetlands). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.3.5a Jurisdictional Determination. A qualified biologist shall review the chosen site option to determine if federally protected wetlands are present within the project boundaries. If potentially jurisdictional features are present within the project area, a formal wetland delineation shall be performed and submitted to the

USACE for verification. If wetlands or other waters are present, but are not considered to be jurisdictional to the USACE, then an Approved Jurisdictional Determination Form (USACE 2007) shall be prepared and submitted to the USACE for review and approval.

MM 3.3.5b No Net Loss of Federally Protected Waters. If federally protected waters will be impacted by project-related activities, the City shall ensure that the project will result in no net loss of federally protected waters. No net loss can be achieved through impact avoidance, impact minimization, and/or compensatory mitigation, as determined in CWA Section 404 and 401 permits and/or 1602 Streambed Alteration Agreement. Evidence of compliance with this mitigation measure shall be provided to the City of Biggs Planning Department prior to construction and grading activities for the proposed project.

Cumulative Biological Resource Impacts (p. 3.3-36)

Implementation of the proposed project may result in degradation of wildlife habitat through a variety of actions which, when combined with other habitat impacts occurring from development in the surrounding area, could result in significant cumulative impacts. Future development in the surrounding area would contribute to cumulative impacts on special-status species and sensitive and critical habitats. Furthermore, increased development and disturbance created by human activities (e.g., fires, increased nighttime lighting, and reduced access to habitat and movement corridors) could result in direct mortality, habitat loss, and deterioration of habitat suitability. These impacts are considered cumulatively considerable.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (cumulative biological resources impacts). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

Implementation of mitigation measures MM 3.3.1, MM 3.3.2a through 3.3.2c, MM 3.3.3a through 3.3.3c, and MM 3.3.5a through MM 3.3.5b described previously will reduce the proposed project's impact and therefore result in a less than cumulatively considerable contribution to the cumulative impacts by mitigating the project's contribution to impacts to special-status species and sensitive habitats.

Residual Impact

After the implementation of mitigation measures MM 3.3.1, MM 3.3.1a through MM 3.3.1c, MM 3.3.3a through MM 3.3.3c, and MM 3.3.5a through MM 3.3.5b, the proposed project's impacts on biological resources would be less than significant.

6.3 CULTURAL AND PALEONTOLOGICAL RESOURCES

Impacts to Unknown Prehistoric and Historic Resources (pp. 3.4-9 through -11)

Both the West Option and the South Option areas have undergone years of agricultural production consisting of flooding, disking, and grading of the soil. However, there is a possibility

of unanticipated and accidental archaeological discoveries during ground-disturbing project-related activities. Previous to agricultural production on the project site, Hamilton Slough ran through the South Option area, thereby making it a likely place for prehistoric occupation. Due to this historic waterway in the vicinity of the project site, there is a likelihood of buried cultural resources that are either not visible on the surface or were not observed because of the wide transect intervals used during the survey. Unanticipated and accidental archaeological discoveries during project implementation have the potential to affect significant archaeological resources. These "inadvertent discoveries" can appear unexpectedly in construction trenches or in back dirt piles, and once discovered, they require special treatment.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (impacts to unknown prehistoric and historic resources). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.4.2 If subsurface deposits believed to be cultural or human in origin are discovered during construction; all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologists, shall be retained to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. A Native American monitor, following the Guidelines for Monitors/ Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required. Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either (1) not cultural in origin, or (2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially eligible resource is encountered, the archaeologist, lead agency, and project proponent shall arrange for either total avoidance of the resource, if possible, or test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

Impacts to Paleontological Resources (p. 3.4-12)

There is potential for the project to impact undiscovered paleontological resources on the project site. Excavations could occur in association with development of the proposed project that could affect paleontological resources buried at greater depths. Therefore, it is possible that project-related ground-disturbing activities could uncover previously unknown paleontological resources within project boundaries. Unanticipated and accidental paleontological discoveries during project implementation have the potential to affect significant paleontological resources.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (impacts to paleontological resources). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.4.3 Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site, and the City shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. Any discovered exposed fossils could be collected along with other appropriate actions. If warranted, a sample of rock matrix will be collected for processing. The qualified paleontologist shall be equipped to allow for the rapid removal of fossil remains and/or matrix and thus reduce the potential for construction delays.

Cumulative Impacts on Historic Resources, Prehistoric Resources (p. 3.4-13)

Implementation of the project, in combination with cumulative development in Biggs and Butte County, would not increase the potential to reduce cultural resources in the area and would not increase the potential to encounter previously undiscovered resources. The project itself is expected to result in less than significant impacts.

Implementation of mitigation measure MM 3.4.2 would reduce the project's contribution to cumulative impacts to cultural resources. These impacts are considered to be less than cumulatively considerable.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (cumulative impacts on historic and prehistoric resources). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

Implementation of mitigation measure MM 3.4.2 would reduce the project's contribution to cumulative impacts to cultural resources. These impacts are considered to be less than cumulatively considerable.

Cumulative Impacts on Paleontological Resources (p. 3.4-13)

Implementation of the project, along with any foreseeable development in the project vicinity, could result in cumulative impacts to undiscovered paleontological resources in areas surrounding the project site, both in Biggs and in Butte County.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (cumulative impacts on paleontological resources). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

Implementation of mitigation measure MM 3.4.3 would reduce the project's contribution to cumulative impacts to paleontological resources to a less than cumulatively considerable level.

Residual Impact

After the implementation of mitigation measures MM 3.4.2 and MM 3.4.3, the proposed project's impacts on cultural and paleontological resources would be less than significant.

6.4 CLIMATE CHANGE AND GREENHOUSE GASES

AB 32 Compliance (pp. 3.5-18 through -19)

Implementation of the proposed project would result in a net increase in greenhouse gas emissions and could conflict with the goals of AB 32.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to climate change and greenhouse gases (conflict with goals of AB 32). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

Implementation of mitigation measure MM 3.2.1 (see Section 3.2, Air Quality, of the Draft EIR).

Residual Impact

After the implementation of mitigation measure MM 3.2.1, the proposed project's impacts on climate change and greenhouse gases would be less than significant.

6.5 HAZARDOUS MATERIALS/HUMAN HEALTH

Mosquito Vectors (p. 3.7-10)

Implementation of the proposed project could result in an increased exposure to disease associated with mosquito vectors. The proposed effluent storage basins would create vector habitat. Therefore, the effluent storage basins would need to be treated to prevent mosquito breeding.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to hazardous materials/human health (increased exposure to disease associated with mosquito vectors). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

Mitigation Measures

MM 3.7.2 The City shall implement all recommendations made by the Butte County Mosquito and Vector Control District for necessary measures to avoid

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ponding and treatments, including chemical control of the effluent storage basins. In addition, during the summer months, the City shall monitor the effluent storage basins for mosquito larvae, remove all emergent vegetation from the effluent storage basins, and use mechanical agitation to prevent the formation of any crust on the effluent storage basins.

Residual Impact

After the implementation of mitigation measure MM 3.7.2, the proposed project's impacts on hazardous materials/human health would be less than significant.

7.0 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

Based on the criteria set forth in the Draft EIR and the Final EIR, the City finds that the following environmental effects of the project are significant and unavoidable and cannot be reduced through mitigation measures to a less than significant level. However, as explained in the Statement of Overriding Considerations contained in Section 12 below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

- Agricultural Resources (loss of and conversion of agricultural land, p. 3.1-5; cumulative impacts to agricultural resources, p. 3.1-6)

7.1 AGRICULTURAL RESOURCES

Loss of and Conversion of Agricultural Land (p. 3.1-6)

As analyzed in Section 3.1, Agricultural Resources, of the DEIR, the properties directly adjacent to the WWTP, including the lands encompassed by both the South Option and the West Option of the proposed project, are designated as Prime Farmland. As described in Section 2.0, Project Description, of the DEIR, the City proposes to apply treated wastewater to land either located directly west of the WWTP (West Option) or directly south of the WWTP (South Option), which would involve seasonal storage in effluent storage basins (covering 66 acres) and irrigation of fodder crops for use in animal feed (covering 80 acres).

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to agricultural resources (loss of and conversion of agricultural land) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

Mitigation Measures

None available.

Residual Impact

The implementation of the proposed project would take 66 acres of land out of agricultural production in order to construct the treated effluent storage basins. However, the storage basins

are a part of the agricultural operation, as they will be used to irrigate the fodder crops on the remaining 80 acres. It is also noted that the treated effluent storage basins would make use of earthen berms constructed from on-site soils and none of this acreage would be permanently paved. Therefore, the land could potentially be returned to a state suitable for agricultural use in the future. The conversion of agricultural land to treated effluent storage basins is reversible, since the land can be regraded and the rice fields can be replanted. Nonetheless, Prime Farmland would be taken out of agricultural production as a result of the proposed project, and though possible, there are no plans to guarantee that the affected acreage would be reclaimed for agricultural production in the future. Therefore, impacts are considered significant and unavoidable.

Cumulative Impacts to Agricultural Resources (p. 3.1-6)

Implementation of the proposed project, in combination with other approved, proposed, and reasonably foreseeable projects, would result in the direct and indirect conversion of Prime Farmland to nonagricultural use in Butte County.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to agricultural resources (cumulative impacts to agricultural resources) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

Mitigation Measures

None available.

Residual Impact

As previously discussed, implementation of the project would result in a significant and unmitigable direct impact to agricultural resources due to the conversion of 66 acres of Prime Farmland. While this would represent only a small percentage of important farmland in Butte County, it would be in addition to important farmland conversions associated with other approved, proposed, and reasonably foreseeable projects in Butte County. This impact is considered to be cumulatively considerable and significant and unavoidable.

8.0 FEASIBILITY OF PROJECT ALTERNATIVES

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore merit in-depth consideration, and which are infeasible. The alternatives analyzed in the Draft EIR were ultimately chosen based on each alternative's ability to feasibly attain the basic project objectives while avoiding or reducing one or more the project's significant effects. The EIR discussed several alternatives to the proposed project in order to present a reasonable range of alternatives. The alternatives evaluated included:

- Alternative A – Continued Year-Round Discharge to Lateral K Alternative (No Project Alternative)
- Alternative B – North Option Alternative

- Alternative C – Regional Wastewater Treatment Alternative

8.1 ALTERNATIVE A – CONTINUED YEAR-ROUND DISCHARGE TO LATERAL K ALTERNATIVE (NO PROJECT ALTERNATIVE)

Alternative 1: Continued Year-Round Discharge to Lateral K Alternative (No Project Alternative)

CEQA Guidelines Section 15126.6(e) requires that a No Project alternative be evaluated in an EIR. The No Project analysis must discuss the circumstance under which the project does not proceed. The comparison is that of the proposed project versus what can reasonably be expected to occur on the properties should the proposed project not be approved. The analysis allows decision-makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

Under this alternative, the City would continue to discharge to Lateral K on a year-round basis and would not include the development of a land disposal system for disposal of treated effluent. This alternative would require further upgrades to the wastewater treatment plant (WWTP) beyond the proposed project in order to meet all other water quality requirements of the Central Valley Regional Water Quality Control Board (CVRWQCB) National Pollutant Discharge Elimination Systems (NPDES) Permit (No. CA0078930) ammonia nitrogen removal requirements, which limits the amount of ammonia per liter of effluent allowed to be discharged into receiving waters. The means by which Alternative A would achieve compliance with the City's current list of effluent constituents of concern under this alternative are identified in Table 5.0-1 (see Chapter 5.0, Project Alternatives, of the DEIR). However, if the City cannot achieve the discharge effluent standards of the NPDES, this would result in the noncompliance with the TSO and the NPDES and would result in continuing wastewater discharge fines for the City, currently set at \$462,000. Additionally, continued discharge into Lateral K under the City's existing wastewater treatment regime would result in the continued violation of NPDES discharge standards, non-compliance with the TSO and continued exposure to fines.

The specific operational details of each of these compliance scenarios are provided in Appendix 2.0-A of the Draft EIR. Implementation activities of any of the identified compliance scenarios would occur within the existing WWTP footprint. The Biolac process scenario under Alternative A is the most appropriate for the WWTP due to the ease of operation. However, each of the scenarios provides substantial nitrogen removal, and any of the identified scenarios under Alternative A would have the environmental benefit of occurring only within the existing WWTP footprint and not requiring acres of off-site agricultural lands as compared to the proposed project. (It is noted that implementation of any potential scenario under this alternative would be completed at a substantially greater cost than the proposed project.)

Agricultural Resources

Loss of and Conversion of Agricultural Land (Impact 3.1.1)

Each of the three potential scenarios under Alternative A consists of the installation of upgraded wastewater treatment infrastructure to the existing wastewater treatment plant to meet the requirements of the City's existing NPDES permit. In the case of any of the three scenarios, upgrades would be located entirely within the existing wastewater treatment plant. Furthermore, the upgrades would not result in the expansion (neither physical area nor capacity) of the

existing WWTP. Alternative A would not result in the conversion of adjacent agricultural lands to nonagricultural uses. This alternative would have no impact to agricultural lands.

Agricultural/Urban Interface Conflicts (Impact 3.1.2)

Alternative A would not result in the conversion of any farmland since all of the three potential scenarios under Alternative A involve upgrades that would be located entirely within the existing wastewater treatment plant's development footprint. This alternative would have no impact associated with agricultural/urban interface conflicts.

Cumulative Impacts to Agricultural Resources (Impact 3.1.3)

None of the three potential scenarios under Alternative A would result in the conversion of any farmland since they each involve upgrades that would be located entirely within the existing wastewater treatment plant's development footprint. Furthermore, the upgrades would not result in the expansion (neither physical area nor capacity) of the existing WWTP. This alternative would have no cumulative impact associated with agricultural/urban interface conflicts.

Air Quality

Short-Term Construction-Generated Pollutant Emissions Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (Impact 3.2.1)

Alternative A would avoid the majority of air pollutant emissions associated with the construction of the project-proposed land disposal system. Alternative A would still result in some construction emissions and these emission levels would still result in an increase of criteria air pollutants and precursors for which the air basin is in nonattainment. Nonetheless, Alternative A eliminates the need to disturb ± 70 acres and therefore would be considered an environmentally superior alternative. The upgrades associated with each of the three potential scenarios under Alternative A would be implemented with minimal grading and similarly would require limited construction equipment. Furthermore, Alternative A would also be subject to the Butte County Air Quality Management District's standard construction-related mitigation measures. This alternative's impact would be less than significant.

Long-Term Operational Emissions of Air Pollutants Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (Impact 3.2.2)

Alternative A would also result in less than significant operational air quality impacts. While operational emissions could increase due to the introduction of new equipment, such as a membrane bioreactor for instance, it is not anticipated that resultant emissions would exceed the significance threshold of 137 pounds per day.

Conflict with the NSVPA 2009 Air Quality Attainment Plan (Impact 3.2.3)

Alternative A would result to the 2009 Air Quality Management Plan. The potential upgrades under this alternative would not result in an increase in population or generate new traffic and therefore would not disrupt or hinder implementation of any NSVPA Air Quality Attainment Plan control measures.

Result in a Cumulatively Considerable Net Increase in Nonattainment Criteria Pollutant (Impact 3.2.4)

While operational emissions could increase under Alternative A due to the introduction of new equipment, such as a membrane bioreactor, it is not anticipated that resultant emissions would exceed the significance threshold of 137 pounds per day.

The BCAQMD's approach to assessing cumulative impacts is based on the Air Quality Management Plan's forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and California Clean Air Acts. Alternative A would be consistent with the 2009 Air Quality Attainment Plan, and construction and operations emissions would be less than the applicable BCAQMD daily significance thresholds. As such, cumulative impacts would also be less than cumulatively considerable.

Biological Resources

Special-Status Plant Species (Impact 3.3.1)

Alternative A would avoid impacts to special-status plants by not constructing improvements associated with the project-proposed effluent land disposal system. In the case of any of the three scenarios, upgrades would be located entirely within the existing wastewater treatment plant. This alternative would have no impact to special-status plant species.

Special-Status Wildlife Species – Giant Garter Snake (Impact 3.3.2)

Alternative A would avoid impacts to the giant garter snake by not constructing improvements associated with the project-proposed effluent land disposal system. This alternative's impact would have no impact to the giant garter snake.

Special-Status Birds (Impact 3.3.3)

Alternative A would avoid impacts to nesting raptors and migratory birds by not constructing improvements associated with the project-proposed effluent land disposal system. All scenarios under this alternative would occur on the existing WWTP site. As such, no impacts to special-status birds would occur. This alternative's impact to nesting raptors and migratory birds would be less than significant.

Impacts to Riparian Habitat or Sensitive Natural Communities (Impact 3.3.4)

Alternative A would avoid riparian habitat impacts by not constructing or operating improvements associated with the project-proposed effluent land disposal system. Because implementation activities of any of the scenarios associated with Alternative A would occur within the existing WWTP footprint, no impacts to riparian habitats would occur.

Impacts to Federally Protected Wetlands (Impact 3.3.5)

Alternative A would avoid impacts to waters of the United States by not constructing or operating improvements associated with the project-proposed effluent land disposal system. Because implementation activities of any of the scenarios associated with Alternative A would occur within the existing WWTP footprint, no impacts would occur.

Impacts to Wildlife Movement (Impact 3.3.6)

Because implementation activities of any of the scenarios associated with Alternative A would occur within the existing WWTP footprint, no impact would occur to wildlife movement.

Conflict with Local Policies and Ordinances (Impacts 3.3.7 and 3.3.8)

Because implementation activities of any of the scenarios associated with Alternative A would occur within the existing WWTP footprint, no potential conflicts would occur with Section 9.15.080 or future HCPs. Therefore, no impact would occur in this area.

Impacts to Special-Status Species Populations (Impact 3.3.9)

Because implementation activities of any of the scenarios associated with Alternative A would occur within the existing WWTP footprint, no potential conflicts would occur to special-status species populations. Therefore, no impact would occur in this area.

Cumulative Biological Resource Impacts (Impact 3.3.10)

Alternative A would avoid cumulative impacts by not constructing or operating improvements associated with the project-proposed effluent land disposal system. Because implementation activities of any of the scenarios associated with Alternative A would occur within the existing WWTP footprint, no cumulative impacts would occur. This alternative would have no impact and require no mitigation measures.

Cultural and Paleontological Resources

Prehistoric and Historic Resources (Impacts 3.4.1 and 3.4.4)

Each of the three potential scenarios under Alternative A consists of the installation of upgraded wastewater treatment infrastructure to the existing wastewater treatment plant to meet requirements of the City's existing NPDES permit. In the case of any of the three scenarios, upgrades would be located entirely within the existing wastewater treatment plant. Buildings within the WWTP were constructed in 1972 and are not considered to be historic structures. All earthmoving activities would be within areas that have been previously disturbed, either during the construction of the WWTP, of the agricultural drains, or of the sewer pipes scheduled for replacement. It is not anticipated that any significant archaeological resources exist within the project area. This alternative would have no impact.

Unknown Prehistoric and Historic Resources (Impacts 3.4.2 and 3.4.4)

Alternative A would have substantially reduced impacts (as compared to the project) by not constructing improvements associated with the project-proposed land effluent disposal system (reduced land disturbance). All earthmoving activities would be in areas that have been previously disturbed, either during the construction of the WWTP, of the agricultural drains, or of the sewer pipes scheduled for replacement. It is not anticipated that any significant archaeological resources exist within the project area. This alternative would have no impact.

Paleontological Resources (Impacts 3.4.3 and 3.4.5)

All earthmoving activities would be in areas that have been previously disturbed, either during the construction of the WWTP, of the agricultural drains, or of the sewer pipes scheduled for replacement. It is not anticipated that any significant paleontological resources exist within the project area. This alternative's impact would be **less than significant** with implementation of mitigation measure **MM 3.4.3**.

Climate Change and Greenhouse Gases

GHG Emissions (Impact 3.5.1)

Based on the review of GHG emission modeling for the project in comparison to Alternative A emission sources, this alternative would not result in construction or operational GHG emissions that would exceed those estimated for the proposed project. Alternative A is expected to result in reduced GHG emissions (construction and operation) associated with the elimination of the project-proposed effluent land disposal system, as compared to the proposed project. (The effluent land disposal system would require increased effluent pumping and thus increased emissions.) This alternative's impact would be less than cumulatively considerable.

AB 32 Compliance (Impact 3.5.2)

Based on the review of GHG emission modeling for the project in comparison to Alternative A emission sources, this alternative would not result in construction or operational GHG emissions that would exceed those estimated for the proposed project or conflict with AB 32. Alternative A is expected to result in reduced GHG emissions (construction and operation) associated with the elimination of the project-proposed effluent land disposal system as compared to the proposed project. This alternative's impact would be less than cumulatively considerable with implementation of mitigation measure MM 3.2.1.

Hydrology and Water Quality

Degrade Water Quality – Construction (Impact 3.6.1)

Alternative A would also result in less than significant impacts associated with construction water quality impacts, but impacts would be reduced as compared to the project by avoiding the construction of the project-proposed effluent land disposal system improvements, which would require greater land disturbance. All upgrades associated with any of the potential scenarios under Alternative A would also be required to comply with the requirements of the SWRCB's General Construction Permit for construction and dewatering.

Degrade Surface Water Quality – Operation of the Wastewater Treatment Plant and Lateral K Discharges (Impacts 3.6.2 and 3.6.4)

Alternative A would also result in no impact to the existing water quality of Lateral K as a result of the additional water quality treatment features required to meet waste discharge limitations (e.g., Biolac basin and secondary clarifier and a membrane bioreactor [MBR] process).

Degrade Surface Water and Groundwater Quality – Operation of the Effluent Land Disposal System Degrade (Impacts 3.6.3 and 3.6.4)

Alternative A would not include construction and/or operation of the project-proposed effluent land disposal system. No impact would occur under this alternative.

Hazardous Materials/Human Health

Accidental Release of Hazardous Materials (Impact 3.7.1)

Alternative A would also result in less than significant impacts associated with hazardous materials given the similar nature of the wastewater treatment process (e.g., use of solvents, petroleum products, and liquid hypochlorite) and because improvements at the WWTP site would be located within the existing footprint area under this alternative.

Mosquito Vectors (Impacts 3.7.2 and 3.7.4)

Alternative A would avoid this impact by not constructing improvements associated with the project-proposed land effluent disposal system. Improvements at the WWTP site would be located within the existing footprint area under this alternative. This alternative would have no impact.

Findings: Alternative A, the No Project alternative, would result in lesser impacts than the proposed project. However, this alternative would not meet the project objectives because, under this alternative, the City would not be able to consistently comply with the new effluent limitation for ammonia. As such, it is rejected because it does not meet project objectives.

8.2 ALTERNATIVE B – NORTH OPTION ALTERNATIVE

This alternative would modify the proposed project to apply treated effluent to the property adjacent to the north of the WWTP. Every aspect of the project (e.g., earthen storage basins for storing treated effluent to be land disposed for the purpose of irrigating feed-grade fodder crops) would remain the same under Alternative B, with the exception that treated effluent from the WWTP would be pumped from the WWTP north to the Alternative B site. Alternative B would have the environmental benefit of accommodating a new effluent pipeline that would not be required to traverse any agricultural drainages or irrigation canals as is the case with the proposed project.

However, it is noted that the property adjacent to the north of the WWTP is just under 100 acres and therefore may not be large enough to accommodate an effluent land disposal operation for the City. As such, future WWTP-needed capacities would have to be designed to fit into a smaller area. The WWTP has been identified as requiring approximately 140 acres (66 acres for storage basins and 74 acres for land disposal) to treat and dispose of City wastewater. Because the WWTP would require approximately 74 acres for the land disposal area, the storage basins would have to be resized to fit into a 26 acre area for Alternative B. Storage basin resizing would result in smaller ponds with higher walls. The proposed project has basins that are 8 feet below the existing ground level and 6-foot berms, resulting in a 14-foot depth of the storage basin. Available acreage for Alternative B basins is approximately 60 percent smaller than those for the proposed project. Because of the groundwater level in the area, 8 feet below ground is considered to be

optimal depth in order not to impact the groundwater. As such, the basin berms would have to be increased in height. The berm height will be increased to 15 feet in height for this alternative, making for an overall basin depth of 23 feet for two basins covering 13 acres each.

Agricultural Resources

Loss of and Conversion of Agricultural Land (Impact 3.1.1)

Alternative B would result in a similar amount of Prime Farmland taken out of agricultural production as the proposed project. Therefore, this alternative would also result in a significant and unavoidable impact.

Agricultural/Urban Interface Conflicts (Impact 3.1.2)

As is the case with the proposed project, Alternative B would not introduce urban growth and would not increase capacity at the existing WWTP. Therefore, this alternative is considered less than significant.

Cumulative Impacts to Agricultural Resources (Impact 3.1.3)

Every aspect of the proposed project (e.g., earthen storage basins for storing treated effluent to be land disposed for the purpose of irrigating feed-grade fodder crops) would remain the same under Alternative B, with the exception that treated effluent from the WWTP would be pumped from the WWTP north. Therefore, Alternative B would result in a similar amount of Prime Farmland taken out of agricultural production as the proposed project and would contribute to cumulative agricultural conversion impacts. It is noted that the property adjacent to the north of the WWTP is just under 100 acres and therefore smaller than either effluent land disposal site option under the proposed project. Nonetheless, Alternative B impacts are still considered cumulatively considerable.

Air Quality

Short-Term Construction-Generated Pollutant Emissions Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (Impact 3.2.1)

Every aspect of the proposed project (e.g., earthen storage basins for storing treated effluent to be land disposed for the purpose of irrigating feed-grade fodder crops) would remain the same under Alternative B, with the exception that treated effluent from the WWTP would be pumped from the WWTP north. Therefore, Alternative B would result in similar construction-related air quality impacts as the proposed project. It is noted that the property adjacent to the north of the WWTP is just under 100 acres and therefore smaller than either effluent land disposal site option under the proposed project. With implementation of mitigation measure MM 3.2.1, this impact under Alternative B would also be considered less than significant.

Long-Term Operational Emissions of Air Pollutants Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (Impact 3.2.2)

Alternative B would also result in less than significant operational air quality impacts since evaporative ROG emissions would be the same as the proposed project. Similar to the proposed project, Alternative B would not result in increased mobile- or stationary-source

combustion emissions, and no net increase of other criteria air pollutants, including NO_x, CO, SO₂, PM₁₀, and PM_{2.5}, would be anticipated to occur.

Conflict with the NSVPA 2009 Air Quality Attainment Plan (Impact 3.2.3)

Alternative B would also result no impact to the 2009 Air Quality Management Plan. Just like the proposed project, Alternative B would not result in an increase in population or generate new traffic and therefore would not disrupt or hinder implementation of any NSVPA Air Quality Attainment Plan control measures.

Result in a Cumulatively Considerable Net Increase in Nonattainment Criteria Pollutant (Impact 3.2.4)

The BCAQMD's approach for assessing cumulative impacts is based on the Air Quality Management Plan's forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and California Clean Air Acts. Alternative B would be consistent with the 2009 Air Quality Attainment Plan, and construction and operations emissions would be less than the applicable BCAQMD daily significance thresholds. As such, cumulative impacts would also be less than cumulatively considerable.

Biological Resources

Special-Status Plant Species (Impact 3.3.1)

Alternative B would also result in impacts to special-status plants but on a slightly smaller area as Alternative B consists of 100 acres compared to 140 acres for the proposed project. Alternative B site also has the potential for woolly rose mallow and Sanford's arrowhead as it is located in the same area as the proposed project. Therefore, this alternative's impact to special-status plant species would also result in a potentially significant impact and require mitigation to reduce the impact to a less than significant level.

Special-Status Wildlife Species - Giant Garter Snake (Impact 3.3.2)

While Alternative B does not have the necessity to cross agricultural drainages or canals which are identified as being potential habitat for giant garter snakes, Alternative B's site is located on existing farmland which is planted with rice. Giant garter snakes are known to inhabit agricultural wetlands including rice fields. As such, it is assumed that the potential for Alternative B to impact the giant garter snake does exist and would require mitigation to reduce potential impacts to a less than significant level.

Special-Status Birds (Impact 3.3.3)

Much like the proposed project, Alternative B would potentially impact nesting raptors and migratory birds. The Alternative B site is similar in land form and in the same area as the proposed project therefore, the potential for impacts to nesting raptors and migratory birds would be similar to that of the proposed project. As such, Alternative B will also require mitigation identical to the proposed project to reduce potential impacts to a less than significant level.

Impacts to Riparian Habitat or Sensitive Natural Communities (Impact 3.3.4)

Alternative B would not have the potential riparian habitat impacts associated with the proposed project. Alternative B does not have areas of potential riparian habitat as Alternative B does not cross or contact drainage canals. Therefore, Alternative B would have no impact regarding riparian habitat.

Impacts to Federally Protected Wetlands (Impact 3.3.5)

Much like the proposed project, Alternative B may impact a potential water of the United States. In the event of an overflow of a storage basin, water would flow south into Hamilton Slough. Determination as to the status of this waterway as being defined as a water of the United States has not been declared by the US Army Corps of Engineers (USACE) at this time. Storage basin overflow into Hamilton Slough would be considered a potentially significant impact and require mitigation identical to the proposed project, reducing the impact to a less than significant level.

Impacts to Wildlife Movement (Impact 3.3.6)

While the Alternative B site has not been specifically researched for its inclusion in an Essential Connectivity Area, Alternative B is located adjacent to the West and South options and therefore is, in all likelihood, not located in an Essential Connectivity Area. As with the proposed project, implementation of Alternative B would result in no impact wildlife movement.

Conflict with Local Policies and Ordinances (Impacts 3.3.7 and 3.3.8)

Alternative B would have similar results regarding the potential to conflict with Section 9.15.080, the Biggs General Plan, the Butte County General Plan, or a habitat conservation plan. The Alternative B site is essentially the same land form as the West and South options and adjacent to these two site options. Conflicts with these regulatory plans would not occur and as such, this is considered to have no impact in this area.

Impacts to Special-Status Species Populations (Impact 3.3.9)

Alternative B is of the same type of development as the proposed project. Because the proposed project resulted in no impacts to special-status species populations and Alternative B is similar in size and location to the project, the impact to special-status specie population would be similar to the project. Therefore, no impact would occur in this area.

Cumulative Biological Resource Impacts (Impact 3.3.10)

Alternative B would result in the same cumulative impacts to biological resources as the proposed project. All mitigations listed for the proposed project would be required for this alternative. Additionally, Alternative B would not present impacts not previously discussed under the proposed project. Therefore, this alternative would result in less than cumulatively considerable impacts.

Cultural and Paleontological Resources

Prehistoric and Historic Resources (Impacts 3.4.1 and 3.4.4)

Every aspect of the proposed project (e.g., earthen storage basins for storing treated effluent to be land disposed for the purpose of irrigating feed-grade fodder crops) would remain the same under Alternative B, with the exception that treated effluent from the WWTP would be pumped from the WWTP north. Therefore, Alternative B would have the environmental benefit of accommodating a new effluent pipeline that would not be required to traverse any agricultural drainages or irrigation canals, including the Fleming Lateral, as is the case with the proposed project. In addition, the site to the north of the WWTP does not contain any buildings, and therefore any historic buildings, as the South Option of the proposed project does. Alternative B is anticipated to have no impact after a cultural resource investigation confirmed that no cultural resources exist on the site.

Unknown Prehistoric and Historic Resources (Impacts 3.4.2 and 3.4.4)

Implementation of Alternative B could result in the potential disturbance of undiscovered cultural resources. However, implementation of mitigation measure MM 3.4.2 would reduce impacts to undiscovered resources to a less than significant level by requiring resource protection mechanisms.

Paleontological Resources (Impacts 3.4.3 and 3.4.5)

Implementation of Alternative B could result in the potential to affect paleontological resources. However, implementation of mitigation measure MM 3.4.3 would reduce impacts to any paleontological resources to a less than significant level.

Climate Change and Greenhouse Gases

GHG Emissions (Impact 3.5.1)

Every aspect of the proposed project (e.g., earthen storage basins for storing treated effluent to be land disposed for the purpose of irrigating feed-grade fodder crops) would remain the same under Alternative B, with the exception that treated effluent from the WWTP would be pumped from the WWTP north. Therefore, Alternative B would result in similar GHG emission-related impacts as the proposed project. GHG emissions impacts under Alternative B would be considered less than significant.

AB 32 Compliance (Impact 3.5.2)

Based on the review of GHG emission modeling for the project in comparison to Alternative B emission sources, this alternative would not result in construction or operational GHG emissions that would exceed those estimated for the proposed project or substantially conflict with AB 32, since nearly every aspect of the proposed project would remain the same under Alternative B. This alternative's impact would be less than significant with implementation of mitigation measure MM 3.2.1.

Hydrology and Water Quality

Degrade Water Quality – Construction (Impact 3.6.1)

Alternative B would also result in less than significant impacts associated with construction water quality impacts. Similar to the proposed project, construction of Alternative B would also be required to comply with the requirements of the SWRCB's General Construction Permit for construction and dewatering. It is noted that the property adjacent to the north of the WWTP is just under 100 acres and therefore smaller than either effluent land disposal site option under the proposed project.

Degrade Surface Water Quality – Operation of the Wastewater Treatment Plant and Lateral K Discharges (Impacts 3.6.2 and 3.6.4)

Alternative B would also result in less than significant impacts associated with construction water quality impacts. Similar to the proposed project, construction of Alternative C would also be required to comply with the requirements of the SWRCB's General Construction Permit for construction and dewatering.

Degrade Surface Water and Groundwater Quality – Operation of the Effluent Land Disposal System Degrade (Impacts 3.6.3 and 3.6.4)

Just like the proposed project, Alternative B would involve the use of treated effluent from the WWTP would to irrigate agricultural lands associated with growing fodder crops for off-site livestock animals. To abate potential groundwater impacts, only the Type I irrigation method would be used when irrigating with treated effluent under this alternative. Also, Alternative B would be required to comply with State-issued WDRs in accordance with the wastewater disposal/reuse criteria established by the California Department of Health Services codified in Title 22, Division 4, Chapter 3 of the California Code of Regulations, just like the proposed project. These regulations are designed to protect the public from exposure to pathogenic (disease-causing) organisms that exist in wastewater. For these reasons, surface water and groundwater conditions would be protected consistent with the State Water Board's Basin Plan under Alternative B. There would be no impact.

Hazardous Materials/Human Health

Accidental Release of Hazardous Materials (Impact 3.7.1)

Every aspect of the proposed project (e.g., earthen storage basins for storing treated effluent to be land disposed for the purpose of irrigating feed-grade fodder crops) would remain the same under Alternative B, with the exception that treated effluent from the WWTP would be pumped from the WWTP north. Therefore, Alternative B would also result in less than significant impacts associated with hazardous materials since existing regulations would still serve to reduce the risk of accidental release of hazardous materials.

Mosquito Vectors (Impacts 3.7.2 and 3.7.4)

Alternative B would result in the same potential impacts as identified for the proposed project due to the presence of effluent storage basins. Mitigation measure MM 3.7.2 would mitigate mosquito populations, reducing the potential impact to less than significant.

Findings: Alternative B, North Option Alternative, would result in similar impacts for all environmental issue areas analyzed. However, this alternative would not meet all the project objectives. As such, the City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that this alternative is less desirable than the proposed project. It is rejected because the Alternative B site may not be large enough to accommodate an effluent land disposal operation for the City.

8.3 ALTERNATIVE C – REGIONAL WASTEWATER TREATMENT ALTERNATIVE

This alternative would consist of the construction of a sewer pump station and force mains from the existing influent pump station at the existing WWTP to the wastewater treatment facility in Gridley, which also employs land application disposal. In addition to the construction of force mains from the Biggs WWTP to the facility in Gridley (a distance of approximately 6.5 miles), additional storage and disposal fields would need to be constructed to accommodate the increased flow. Alternative C would have the environmental benefit of not disturbing acres of adjacent agricultural lands as compared with the proposed project, yet the need to expand effluent storage capacity at the facility in Gridley would most likely impact agricultural lands adjacent to it. Alternative C would also greatly increase the need to place new pipelines underneath agricultural drainages and/or irrigation canals adjacent to the City's WWTP and beyond. While this alternative would use the existing roadway right-of-ways for the pipelines to convey the wastewater, because of the distance to the Gridley facility from Biggs, conveyance of the wastewater would likely involve substantially greater impacts such as the need for off-site pump stations, additional crossings of waterways, and pipeline construction impacts. Additionally, this alternative may also result in the need for crossing drainages further down the line from the City and could result in the need to add new, or upgrade existing, conveyance infrastructure under the Feather River.

Agricultural Resources

Loss of and Conversion of Agricultural Land (Impact 3.1.1)

While Alternative C would not disturb any of the agricultural lands adjacent to the WWTP, this alternative would result in the potential need to expand the effluent storage capacity at the facility in Gridley, which would impact agricultural lands adjacent to it. Therefore, this alternative would also likely result in a significant and unavoidable impact.

Agricultural/Urban Interface Conflicts (Impact 3.1.2)

Alternative C would require an increase in capacity at the wastewater treatment plant in Gridley, yet only to the extent to accommodate wastewater flows from Biggs. Therefore, this alternative would not instigate population growth and is considered less than significant.

Cumulative Impacts to Agricultural Resources (Impact 3.1.3)

Alternative C would result in the potential need to expand the effluent storage capacity at the facility in Gridley, which may impact agricultural lands adjacent to it. Therefore cumulative agricultural impacts under this alternative would still be considered cumulatively considerable.

Air Quality

Short-Term Construction-Generated Pollutant Emissions Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (Impact 3.2.1)

Alternative C would result in the potential need to expand the effluent storage capacity at the facility in Gridley as well as other on-site modifications, the construction of which would generate criteria air pollutants. In addition, the alternative would require the installation of force mains over a distance of approximately 6.5 miles, predominantly within road facility rights-of-way. This installation would require the temporary removal of pavement, trenching, force main installation, and repaving as well as a greater area of ground disturbance. This would generate a significantly greater amount of construction emissions compared with the proposed project and would likely be a potentially significant impact, requiring more mitigation measures to reduce emissions to below significance threshold levels.

Long-Term Operational Emissions of Air Pollutants Resulting in Violation of Air Quality Standards or Contributing to Existing Violations (Impact 3.2.2)

Alternative C would also result in less than significant operational air quality impacts since evaporative ROG emissions would be the same as the proposed project. While the pumping of effluent 6.5 extra miles with the use of force mains would require more energy consumption and thus generate more air pollutant emissions, no BCAQMD operational significance thresholds would be surpassed.

Conflict with the NSVPA 2009 Air Quality Attainment Plan (Impact 3.2.3)

Alternative C would also result no impact to the 2009 Air Quality Management Plan. While this alternative would require an increase in capacity at the wastewater treatment plant in Gridley, this increase would only occur to the extent needed to accommodate wastewater flows from Biggs. Therefore, just like the proposed project, Alternative C would not result in an increase in population or generate new traffic and therefore would not disrupt or hinder implementation of any NSVPA Air Quality Attainment Plan control measures.

Result in a Cumulatively Considerable Net Increase in Nonattainment Criteria Pollutant (Impact 3.2.4)

The BCAQMD's approach for assessing cumulative impacts is based on the Air Quality Management Plan's forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and California Clean Air Acts. Alternative C would be consistent with the 2009 Air Quality Attainment Plan. As such, cumulative impacts would be less than considerable.

Biological Resources

Special-Status Plant Species (Impact 3.3.1)

Alternative C may result in the use of agricultural fields next to the Gridley WWTP to accommodate wastewater flows from Biggs. Much like the proposed project, the use of these fields may impact special-status plant species and require mitigation to reduce potential impacts. However, because of the unknown nature of the possible use of agricultural fields adjacent to the Gridley WWTP for the alternative, the potential to reduce special-status plant

species impacts to a less than significant level cannot be determined without a site specific biological survey. As such, it is assumed that the use of such fields will result in a significant and unavoidable impact to special-status plant species until a biological survey can be completed.

Special-Status Wildlife Species – Giant Garter Snake (Impact 3.3.2)

Alternative C may result in the use of agricultural fields next to the Gridley WWTP to accommodate wastewater flows from Biggs. Much like the proposed project, the use of these fields may impact the giant garter snake and require mitigation to reduce potential impacts. However, because of the unknown nature of the possible use of agricultural fields adjacent to the Gridley WWTP for the alternative, the potential to reduce giant garter snake impacts to a less than significant level cannot be determined without a site-specific biological survey. As such, it is assumed that the use of such fields will result in a significant and unavoidable impact to giant garter snakes until a biological survey can be completed.

Special-Status Birds (Impact 3.3.3)

Much like the proposed project, the use of the agricultural fields for effluent storage basin and land application may impact special-status bird species and require mitigation to reduce potential impacts. However, because of the unknown nature of the possible use of agricultural fields adjacent to the Gridley WWTP for the alternative, the potential to reduce special-status bird species impacts to a less than significant level cannot be determined without a site-specific biological survey. As such, it is assumed that the use of such fields will result in a significant and unavoidable impact to special-status bird species until a biological survey can be completed.

Impacts to Riparian Habitat or Sensitive Natural Communities (Impact 3.3.4)

The Gridley WWTP is adjacent to the Feather River, a riparian habitat. Alternative C may result in the use of agricultural fields next to the Gridley WWTP to accommodate wastewater flows from Biggs. The use of these fields may impact the Feather River habitat. This would require mitigation to reduce potential impacts. However, because of the unknown nature of the possible use of agricultural fields adjacent to the Gridley WWTP for the alternative, the potential to reduce riparian habitat impacts to a less than significant level cannot be determined without a site-specific biological survey. Additionally, Alternative C may require the crossing of various off-site agricultural drainages which could include areas of riparian habitat or a sensitive natural community. As such, it is assumed that the use of such fields will result in a significant and unavoidable impact to riparian habitat until a biological survey can be completed.

Impacts to Federally Protected Wetlands (Impact 3.3.5)

The Feather River is a federally protected water body. The use of the Gridley WWTP and its adjacent agricultural fields may result in impacts to the Feather River. While all effluent coming from Biggs would be used in a land application scenario, all water would eventually flow into the Feather River. The potential impact a federally protected water body to a less than significant level cannot be determined without a site-specific biological survey and further hydrological studies. Additionally, Alternative C may require the crossing of various off-site agricultural drainages which could also result in impacts to federally protected wetlands. As such, it is assumed that the use of such fields will result in a significant and unavoidable impact.

Impacts to Wildlife Movement (Impact 3.3.6)

The Feather River is used by migratory salmon. As discussed previously, Alternative C may result in impacts to this river and therefore impact wildlife movement. Whether or not this would impact wildlife movement cannot be determined without a biological survey for the area around the Gridley WWTP. Because of the lack of biological analysis, it must be assumed that Biggs wastewater flows to the Gridley WWTP would result in a significant and unavoidable impact to wildlife movement on the Feather River.

Conflict with Local Policies and Ordinances (Impacts 3.3.7 and 3.3.8)

Alternative C would not conflict with the Biggs General Plan, City of Gridley General Plan, Butte County General Plan, or Biggs Municipal Code Section 9.15.080. Currently, there is not an adopted habitat conservation plan in the county. Conflicts with these regulatory plans would not occur and as such, this is considered to have no impact in this area.

Impacts to Special-Status Species Populations (Impact 3.3.9)

Alternative C is of the same type of development as the proposed project. However, because Alternative C may result in salmon migratory impacts, the potential to reduce the salmon population exists with Alternative C. Whether or not this would impact wildlife populations cannot be determined without a biological survey for the area around the Gridley WWTP. Because of the lack of biological analysis, it must be assumed that Biggs' wastewater flows to the Gridley WWTP would result in a significant and unavoidable impact to wildlife populations on the Feather River.

Cumulative Biological Resource Impacts (Impact 3.3.10)

Alternative C has the potential to result in significant and unavoidable impacts to biological resources. This, in combination with future development in the area, would result in cumulatively considerable and significant and unavoidable impacts to biological resources.

Cultural and Paleontological Resources

Prehistoric and Historic Resources (Impacts 3.4.1 and 3.4.4)

Alternative C would have the environmental benefit of accommodating a new effluent pipeline that would not be required to traverse any agricultural drainages or irrigation canals, including the Fleming Lateral, as is the case with the proposed project. In addition, this alternative would not affect the historic buildings on the South Option site of the proposed project. Alternative C would result in the potential need to expand the effluent storage capacity at the facility in Gridley as well as other on-site modifications, the construction of which could potentially impact cultural resources. This potential is exacerbated by the location of the Feather River adjacent to the Gridley wastewater treatment facility, since prehistoric sites are typically found to have been located near waterways.

The construction of expanded effluent storage capacity at the Gridley facility adjacent to the Feather River would be potentially significant without the preparation of a cultural resource investigation. Only after the findings of the cultural resource investigation are known could a specific determination of significance be made.

Unknown Prehistoric and Historic Resources (Impacts 3.4.2 and 3.4.4)

Implementation of Alternative C could result in the potential disturbance of undiscovered cultural resources. However, implementation of mitigation measure MM 3.4.2 would reduce impacts to undiscovered resources to a less than significant level by requiring resource protection mechanisms.

Paleontological Resources (Impacts 3.4.3 and 3.4.5)

Implementation of Alternative C could result in the potential to affect paleontological resources. However, implementation of mitigation measure MM 3.4.3 would reduce impacts to any paleontological resources to a less than significant level by requiring resource protection mechanisms.

Climate Change and Greenhouse Gases

GHG Emissions (Impact 3.5.1)

Based on the review of GHG emission modeling for the project in comparison to Alternative C emission sources, this alternative would not result in GHG emissions that would exceed the chosen significance threshold. This is primarily due to the fact that Alternative C would not result in increased mobile combustion emissions, similar to the proposed project. This alternative's impact would be less than cumulatively considerable.

AB 32 Compliance (Impact 3.5.2)

Based on the review of GHG emission modeling for the project in comparison to Alternative C emission sources, this alternative would not result in GHG emissions that would exceed the chosen significance threshold or substantially conflict with AB 32, primarily due to the fact that Alternative C would not result in increased mobile combustion emissions. This alternative's impact would be less than cumulatively considerable with implementation of mitigation measure MM 3.2.1.

Hydrology and Water Quality

Degrade Water Quality – Construction (Impact 3.6.1)

Alternative C would also result in less than significant impacts associated with construction water quality impacts. Similar to the proposed project, construction of Alternative C would also be required to comply with the requirements of the SWRCB's General Construction Permit for construction and dewatering.

Degrade Surface Water Quality – Operation of the Wastewater Treatment Plant and Lateral K Discharges (Impacts 3.6.2 and 3.6.4)

Alternative C would also result in no impact to the existing water quality of Lateral K as a result of ceasing the discharge of treated effluent into it.

Degrade Surface Water and Groundwater Quality – Operation of the Effluent Land Disposal System Degrade (Impacts 3.6.3 and 3.6.4)

Alternative C would involve the use of an existing effluent land disposal system in Gridley. The existing effluent land disposal system operates in compliance with all applicable WDRs and other health-related criteria. Therefore, there would be no impact under Alternative C.

Hazardous Materials/Human Health

Accidental Release of Hazardous Materials (Impact 3.7.1)

Alternative C would involve the use of an existing effluent land disposal system. Therefore, this alternative would also result in less than significant impacts associated with hazardous materials since existing regulations currently serve to reduce the risk of accidental release of hazardous materials.

Mosquito Vectors (Impacts 3.7.2 and 3.7.4)

Alternative C would involve the use of an existing effluent land disposal system. The existing effluent land disposal system currently operates with all necessary mosquito controls. Therefore, this impact would be less than significant under Alternative C.

Findings: Alternative C, Regional Water Treatment Alternative, would result in similar, or in some cases, worse impacts for all environmental issue areas analyzed. As such, the City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that this alternative is less desirable than the proposed project.

9.0 LONG-TERM IMPLICATIONS

CEQA Guidelines Section 15126.2(d) requires that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined in CEQA Guidelines Section 15126.2(d) as follows:

...the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth...Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also...the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The Draft EIR evaluated whether the proposed project will induce project-specific growth.

9.1 GROWTH INDUCEMENT POTENTIAL

As described in Section 2.0, Project Description, of the DEIR, implementation of the proposed project would involve the improvement of the City's wastewater treatment plant (WWTP) in order to comply with the Central Valley Regional Water Quality Control Board (CVRWQCB) adopted National Pollutant Discharge Elimination System Permit (No. CA0078930).

The current WWTP has a design flow capacity of 1.05 million gallons daily (mgd). The extent of potential new development the WWTP is able to accommodate is accounted for under the City's General Plan. The proposed project would not include any infrastructure improvements (such as pipeline extensions that could serve undeveloped areas of the city) that would increase the city's rate of growth. The environmental effects associated with growth under the General Plan, which the proposed project would support, are summarized below.

9.2 SECONDARY EFFECTS OF GROWTH

Growth and development of the city is guided by the City's General Plan. The environmental effects of growth of the city were evaluated in the City of Biggs General Plan Initial Study/Mitigated Negative Declaration, which did not identify any significant impacts occurring in any environmental issue areas from growth of the city.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than cumulatively considerable impacts related to growth inducement.

9.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Development of the project site would irretrievably commit building materials and energy to the construction and maintenance of the buildings and infrastructure proposed. Nonrenewable and limited resources that would likely be consumed as part of project site development would include, but are not limited to, oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials.

The use of materials for construction and operation of the proposed project would be similar to other development and does not represent an unusual use of resources.

Findings: The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than cumulatively considerable impacts related to irreversible environmental changes.

10.0 FINDINGS ON CHANGES TO THE EIR AND RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that "new information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes changes, clarifications, or additions to the Draft EIR in order to help clarify the project and its impacts in response to public or agency comments. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required.

11.0 FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Pursuant to CEQA and CEQA Guidelines Sections 15091(d) and 15097, the lead agency (in the case of the proposed project, the City of Biggs) for a proposed project must adopt a program for monitoring or reporting mitigation measures identified in the EIR, if the lead agency makes findings of significant impacts during the process of certifying the EIR. The primary purpose of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the mitigation measures identified in the EIR are implemented, thereby reducing or avoiding identified environmental impacts. Due to the specialized nature of some of the mitigation measures identified in the EIR, the City may delegate responsibilities to environmental monitors or other professionals, as warranted.

MITIGATION MONITORING AND REPORTING PROGRAM

The purpose of the MMRP is to ensure the effective implementation of the mitigation measures imposed by the City for the proposed project. In addition, the MMRP provides a means of identifying corrective actions, if necessary, before irreversible environmental damage occurs. The MMRP includes:

- A brief description of each impact expected to occur from the proposed project.
- Mitigation measure(s) associated with each impact.
- Responsible monitoring party.
- Responsible implementing party.
- Implementation phase (i.e., pre-construction, construction, prior to occupancy, post-occupancy).
- Completion date and initials of reviewing party.

As the lead agency for the proposed project, the City will be required to comply with all applicable plans, permits, and conditions of approval for the proposed project, in addition to implementation of the MMRP. The mitigation measures presented in the MMRP will be implemented as indicated to avoid or minimize environmental impacts as a result of the proposed project.

The Draft EIR was released for public and agency review on October 10, 2013, with the 45-day review period ending on November 25, 2013. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at Biggs City Hall, 465 C Street, Biggs, CA 92917.

12.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Draft EIR includes thresholds of significance that are used to establish normally acceptable standards for project impacts in Biggs. In many instances, the project meets the standards without the need for modification. In some cases, mitigation measures have been required that modify the

project to reduce impacts to below the normally accepted thresholds. In two instances, impacts cannot be reduced to a level below the normally accepted thresholds. While there are many reasons why it might not be possible to reduce an impact to less than the threshold, the reasons are usually in two categories: (1) the issue is much larger than the City of Biggs' jurisdiction or capability to resolve; or (2) there are no feasible mitigation measures or the measures that are identified cannot be guaranteed to reduce the impact to less than significant. When an impact is above the normally accepted threshold and cannot be mitigated, the impact is identified as significant and unavoidable in the Draft EIR. The CEQA Guidelines allow the City to approve a project with significant and unavoidable impacts provided specific findings are made.

As such, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City of Biggs has balanced the benefits of the proposed project against the following unavoidable adverse impacts relating to agricultural resources associated with the proposed project, despite the adoption of all feasible mitigation measures. The City of Biggs has also examined alternatives to the proposed project, none of which meets both the project objectives and is preferable to the proposed project.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The EIR identified the following significant impacts that cannot be mitigated to a less than significant level even though the City of Biggs finds that all feasible mitigation measures have been identified and incorporated into the proposed project.

Agricultural Resources (Loss of and Conversion of Agricultural Land)

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project would result in a significant impact by removing 66 acres of Prime Farmland from agricultural production in order to construct the treated effluent storage basins. No mitigation measures are available to reduce impacts to less than significant levels. As such, this impact remains significant and unavoidable.

Agricultural Resources (Cumulative Impacts to Agricultural Resources)

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project could result in cumulative impacts to agricultural resources. Implementation of the proposed project would result in the conversion of 66 acres of Prime Farmland. While this would represent only a small percentage of important farmland in Butte County, it would be in addition to important farmland conversions associated with other approved, proposed, and reasonably foreseeable projects in Butte County. Moreover, expanded urban development in the county could lead to more conflict with agricultural operations, which may result in the discontinuance of such operations in some instances. It also may lead to greater development pressures on these adjacent agricultural lands, leading to more conversions. Thus, this impact is considered significant and unavoidable.

Findings

The City of Biggs finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in a significant and unavoidable impact to agricultural resources despite implementation of all feasible mitigation. The City further finds that these unavoidable impacts are overridden by the project benefits as set forth in this Statement of Overriding Considerations.

Project Benefits

The City of Biggs has balanced the proposed project's benefits against its significant and unavoidable impacts. The City of Biggs finds that the proposed project's benefits outweigh the proposed project's significant and unavoidable impacts; those impacts therefore are considered acceptable in light of the proposed project's benefits. The City of Biggs finds that the following benefits are an overriding consideration that warrants approval of the proposed project, notwithstanding the proposed project's significant and unavoidable impacts:

- Provide an improved WWTP effluent disposal method in a manner that results in compliance with Central Valley Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Permit No. CA0078930 and compliance with Time Schedule Order (TSO) R5-2012-0048.
- Implementation of the project would result in the enhancement of water quality to downstream receiving waters through the elimination of treated discharge.
- Implementation of the project would enhance Lateral K and Hamilton Slough as a natural resource.
- Failure to implement the project would subject that City and its residents to continual fines for failure to comply with the requirements of its waste discharge permit.
- The land application method of discharge represents the most cost-effective and reduced cost solution to the disposal of the City's treated wastewater effluent thereby reducing the potential service cost burden to City residents and reducing operational costs to the City as a whole.

Conclusion

CEQA requires the City to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its significant and unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" and the proposed project approved. In this instance, the City of Biggs would develop a new effluent disposal process that consists of a reclamation/land disposal system (effluent land disposal system). The net effect of the proposed project is a cessation of all effluent discharged to Lateral K, which drains into Butte Creek, which in turn connects with the Sacramento River. The proposed project would not increase the capacity of the existing WWTP beyond its current permitted design capacity of 0.38 mgd or its peak facility design flow of 1.05 mgd.

The key outcome of the proposed effluent disposal process would result in compliance with NPDES Permit No. CA0078930 and dissolution of the permit. The use of a land disposal system will allow the City to eliminate the surface discharge of wastewater effluent, which would result in the City's release from the NPDES permit and convert the facility to a waste discharge requirements (WDR) permit facility.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the City of Biggs has determined that the identified significant and unavoidable

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

impacts may be considered "acceptable" due to the specific considerations listed above that outweigh the significant and unavoidable impacts that would result from implementation of the proposed project. Accordingly, the City of Biggs adopts the Statement of Overriding Considerations, recognizing that the significant and unavoidable agricultural impacts would result from implementation of the proposed project. Having (1) adopted all feasible mitigation measures, (2) rejected alternatives to the proposed project, and (3) recognized all unavoidable significant impacts, the City of Biggs hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the proposed project and outweighs and overrides its significant and unavoidable impacts, and thereby justifies the approval of the Biggs WWTP Enhancement Project.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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CITY OF BIGGS
BIGGS WWTP ENHANCEMENT PROJECT
MITIGATION MONITORING REPORTING PROGRAM

State Clearinghouse Number: 2013042029

Prepared for:

CITY OF BIGGS
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JANUARY 2014

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MITIGATION MONITORING REPORTING PROGRAM

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Table 1-1 Monitoring Matrix Reporting Program for the Biggs WWTP Enhancement Project
(MMRP) 3

MITIGATION MONITORING REPORTING PROGRAM CONTENTS

This document is the Mitigation Monitoring Reporting Program (MMRP) for the City of Biggs Wastewater Treatment Plant (WWTP) Enhancement Project. The MMRP includes a brief discussion of the legal basis for and the purpose of the program, discussion, and direction regarding complaints about noncompliance, a key to understanding the monitoring matrix, and the monitoring matrix itself.

LEGAL BASIS OF AND PURPOSE FOR THE MITIGATION MONITORING PROGRAM

California Public Resources Code Section 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report (EIR) or a mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

This MMRP applies to the Biggs WWTP Enhancement Project. It is to be used by the City of Biggs staff, participating agencies, project contractors, and mitigation monitoring personnel during implementation of the project.

The Environmental Impact Report for the Biggs WWTP Enhancement Project presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation measures, as defined by CEQA Guidelines Section 15370, are measures that do any of the following:

- ⦿ Avoid impacts altogether by not taking a certain action or parts of an action.
- ⦿ Minimize impacts by limiting the degree or magnitude of the action and its implementation.
- ⦿ Rectify impacts by repairing, rehabilitating, or restoring the impacted environment.
- ⦿ Reduce or eliminate impacts over time by preservation and maintenance operations during the life of the project.
- ⦿ Compensate for impacts by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP will provide for monitoring of construction activities as necessary, on-site identification and resolution of environmental problems, and proper reporting to Agency staff.

The timing elements of mitigation measures and definition of the development process have been provided in detail throughout this MMRP to assist existing and future City staff by providing the most usable monitoring document possible.

RESPONSIBILITIES AND AUTHORITY

The City of Biggs will have primary responsibility for the operation and implementation of the MMRP. The City will be responsible for the following activities:

- ⦿ Coordination of monitoring activities.

MITIGATION MONITORING PROGRAM

- Direction of the preparation and filing of compliance reports.
- Maintenance of records concerning the status of all mitigation measures.

The City will also have the responsibility of implementing the mitigation measures for which it has been identified as the primary enforcement and monitoring agent. Other agencies or persons which have been identified as enforcement and monitoring agents for specific mitigation measures will be responsible for implementing these measures.

MONITORING PERSONNEL

The City of Biggs bears responsibility for ensuring that the mitigation measures in this document are implemented. The City reserves the right to hire technical experts and professionals to help in evaluating compliance. These may include but are not limited to biologists, archaeologists and planning professionals. Some of the measures will be assigned to the contractor as part of the scope of work.

MONITORING MATRIX

Table 1-1, Monitoring Matrix Reporting Program for the Biggs WWTP Enhancement Project lists mitigation measures. These mitigation measures are reproduced from the Environmental Impact Report for the project. The tables have the following columns:

- **Mitigation Measure:** Lists the mitigation measures identified within the Biggs WWTP Enhancement Project Environmental Impact Report for a specific impact, along with the number for each measure as enumerated in the Environmental Impact Report.
- **Timing:** Identifies at what point in time, review process or phase the mitigation measure will be completed.
- **Agency/Department Consultation:** References the person or agency with which coordination is required to satisfy the identified mitigation measure.
- **Verification:** Spaces to be initialed and dated by the individual designated to verify adherence to a specific mitigation measure.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the City in written form, providing specific information on the asserted violation. The City shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the City shall take appropriate action to remedy any violation. The complainant shall receive a written response indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

MITIGATION MONITORING PROGRAM

**TABLE 1-1
MONITORING MATRIX REPORTING PROGRAM FOR THE
BIGGS WWTP ENHANCEMENT PROJECT (MMRP)**

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
AGRICULTURAL RESOURCES			
MM 3.1.1 The City shall mitigate for impacts to the Prime Farmland acreage removed from production due to the construction of the effluent storage basins by ensuring that the project-proposed agricultural operation to grow fodder crops remains in operation throughout the life of the effluent land application method at the Biggs Wastewater Treatment Plant.	Ongoing	City of Biggs Planning Department	
AIR QUALITY			
MM 3.2.1 During all phases of project development, the project shall adhere to the following basic construction mitigation measures: <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. Idling times shall be minimized either by shutting equipment off 	Prior to grading permit approval	City of Biggs Planning Department	

MITIGATION MONITORING PROGRAM

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
<p>when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>6. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>7. A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>			
<p>Biological Resources</p>			
<p>MM 3.3.1 Rare Plant Surveys. The City shall retain a qualified biologist to perform focused surveys to determine the presence/absence of special-status plant species with potential to occur in and adjacent to (within 25 feet, where appropriate) the proposed impact area, including construction access routes. These surveys shall be conducted in accordance with the Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities (Nelson 1994). These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys shall be scheduled to coincide with known flowering periods, and/or during appropriate developmental periods that are necessary to identify the plant species of concern.</p> <p>If any state- or federally listed, CNPS List 1, or CNPS List 2 plant species</p>			

MITIGATION MONITORING REPORTING PROGRAM

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
<p>are found in or adjacent to (within 25 feet) the proposed impact area during the surveys, these plant species shall be avoided to the extent possible and the following mitigation measures shall be implemented:</p> <ol style="list-style-type: none"> 1. In some cases involving state-listed plants, it may be necessary to obtain an incidental take permit under Section 2081 of the FGC (2081 permit). The City shall consult with the CDFW to determine whether a 2081 permit is required and obtain all required authorizations prior to initiation of construction activities. 2. Before the approval of grading plans or any ground-breaking activity within the PSA, the City shall submit a mitigation plan concurrently to the CDFW and the USFWS (if appropriate) for review and comment. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for impacts to special-status plant species can include implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites (if feasible), or through the purchase of credits from an approved mitigation bank, if available. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. The final mitigation strategy for directly impacted plant species shall be determined by the CDFW and the USFWS (if appropriate) through the mitigation plan approval process. 3. Any special-status plant species that are identified adjacent to the PSA, but not proposed to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on project plans. 	<p style="text-align: center;"><i>Prior to construction</i></p>	<p style="text-align: center;"><i>City of Biggs Planning Department</i></p>	
<p>MM 3.3.2a Biological Monitoring and Worker Environmental Awareness Training. A qualified biologist(s) shall monitor construction activities that could potentially cause significant impacts to sensitive biological resources. In</p>			

MITIGATION MONITORING PROGRAM

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
<p>addition, the City shall retain a qualified biologist to conduct mandatory contractor/worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the identified location(s) of sensitive biological resources, including how to identify species with the potential to occur in the construction area and the need to avoid impacts to biological resources (e.g., plants, wildlife, and jurisdictional waters), and to brief them on the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the project, the contractor will ensure that they receive the mandatory training before starting work.</p>	<p>Prior to an ongoing during construction</p>	<p>City of Biggs Planning Department</p>	
<p>MM 3.3.2b Giant Garter Snake Habitat Mitigation. West Side Option: The City shall consult with the USFWS and the CDFW regarding impacts to giant garter snake habitat. An incidental take permit may be required. Authorization for incidental take would be initiated by formal consultation under Section 7 of the federal Endangered Species Act and Section 2081 of the Fish and Game Code. To compensate for the permanent loss of aquatic giant garter snake habitat, the project proponent shall provide mitigation at a minimum 3-acre to 1-acre ratio. Mitigation would consist of permanent habitat protection by purchasing credits at a USFWS-approved giant garter snake mitigation bank or providing suitable mitigation property secured by a conservation easement with a permanent management endowment for the habitat.</p> <p>West Side and Southern Option: In addition, a management plan shall be developed for maintenance of the proposed storage ponds, and submitted to the USFWS and the CDFW for review and approval. As part of the plan, the City shall work with the USDA and the Department of Pesticide Regulation, and shall follow the County Guidelines regarding the use of rodenticides and herbicides. If rodent control must be conducted, zinc phosphide or other compounds approved by the USFWS shall be used to lower the risk to giant garter snake.</p>	<p>Prior to construction</p>	<p>City of Biggs Planning Department</p>	

MITIGATION MONITORING REPORTING PROGRAM

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
<p>MM 3.3.3a Sandhill Crane Preconstruction Surveys. If construction will occur during the wintering period (September to mid-March), a qualified biologist shall conduct surveys within 14 days of project initiation for the purpose of identifying feeding and/or roosting areas in the project vicinity. If any project area supports loafing, roosting, or foraging sandhill cranes, a 250-foot no-activity buffer shall be established when the birds are present. Typically, sandhill cranes will disperse from roost sites in the morning and return during late afternoon, and will arrive at feeding areas in the morning and disperse by late afternoon.</p>	<p>Prior to construction</p>	<p>City of Biggs Planning Department</p>	
<p>MM 3.3.2c Implementation of Standard Avoidance Measures. The project proponent shall implement all of the minimization and avoidance measures found in Appendix C of the 1997 <i>Programmatic Consultation with the US Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Carter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California</i> (USFWS file #1-1-F-97-149), except the restriction of construction only occurring between May 1 and October 1 (see a) below).</p> <p>a) Exclusionary fencing will be installed at the limits of the temporary construction zone to protect adjacent, undisturbed giant garter snake habitat. Placement and installation of the exclusionary fencing shall be approved by the USFWS during Section 7 consultation. The exclusionary fencing will be maintained by the construction contractor during all phases of construction. Any breaches in the fencing shall be fixed within a 24-hour period.</p> <p>b) The City or contractor will prohibit the use of plastic, monofilament, jute, or similar erosion control matting that could entangle snakes at the project site.</p> <p>c) Within 24 hours of the commencement of ground-disturbing activities, the project site will be inspected for giant garter snakes</p>	<p>The City shall ensure that avoidance measures are incorporated into construction contracts prior to construction. The City's construction inspector shall monitor to ensure that measures are implemented during project construction</p>	<p>City of Biggs Planning Department</p>	

MITIGATION MONITORING PROGRAM

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
<p>by a qualified biologist. The survey shall be repeated if a lapse in construction activities of two weeks or greater occurs. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. All sightings and incidental take shall be reported to the USFWS immediately via telephone at (916) 414-6600.</p> <p>d) Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15 and prior to excavating or filing of the dewatered habitat.</p> <p>e) After completion of construction activities, any temporary fill and construction debris shall be removed and disturbed areas restored to pre-project conditions, where feasible. Restoration work may include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel.</p>			
<p>MM 3.3.3a Sandhill Crane Preconstruction Surveys. If construction will occur during the wintering period (September to mid-March), a qualified biologist shall conduct surveys within 14 days of project initiation for the purpose of identifying feeding and/or roosting areas in the project vicinity. Roosting and feeding areas shall be avoided while they are occupied by sandhill cranes. Typically, sandhill cranes will disperse from roost sites in the morning and return during late afternoon, and will arrive at feeding areas in the morning and disperse by late afternoon.</p>	<p>Prior to construction</p>	<p>City of Biggs Planning Department</p>	
<p>MM 3.3.3b Raptor Surveys. If clearing and/or construction activities will occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites</p>			

MITIGATION MONITORING REPORTING PROGRAM

Mitigation Measure	Timing	Agency/Department Consultation	Verification (Date and Initials)
<p>within the proposed impact area, including construction access routes and a 500-foot buffer (if feasible).</p> <p>If active nest sites are identified within 500 feet of project activities, the applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction- or access-related disturbances to nesting raptors. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 250 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 250 feet) of LOPs may be adjusted through consultation with the CDFW and/or Butte County.</p>	<p>Prior to construction</p>	<p>City of Biggs Planning Department</p>	
<p>MM 3.3.3c Nesting Bird Surveys. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer.</p> <p>If active nest sites are identified within 200 feet of project activities, the applicant shall impose an LOP for all active nest sites prior to commencement of any project construction activities to avoid construction- or access-related disturbances to migratory bird nesting activities. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 100 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the CDFW and/or Butte County.</p>	<p>Prior to construction</p>	<p>City of Biggs Planning Department</p>	

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<p>MM 3.3.5a Jurisdictional Determination. A qualified biologist shall review the chosen site option to determine if federally protected wetlands are present within the project boundaries. If potentially jurisdictional features are present within the project area, a formal wetland delineation shall be performed and submitted to the USACE for verification. If wetlands or other waters are present, but are not considered to be jurisdictional to the USACE, then an <i>Approved Jurisdictional Determination Form</i> shall be prepared and submitted to the USACE for review and approval.</p>	<p><i>Prior to construction</i></p>	<p><i>City of Biggs Planning Department</i></p>	
<p>MM 3.3.5b No Net Loss of Federally Protected Waters. If federally protected waters will be impacted by project-related activities, the City shall ensure that the project will result in no net loss of federally protected waters. No net loss can be achieved through impact avoidance, impact minimization, and/or compensatory mitigation, as determined in CWA Section 404 and 401 permits and/or 1602 Streambed Alteration Agreement. Evidence of compliance with this mitigation measure shall be provided to the City of Biggs Planning Department prior to construction and grading activities for the proposed project.</p>	<p><i>Prior to an ongoing during construction</i></p>	<p><i>City of Biggs Planning Department</i></p>	
<p>Cultural Resources</p>			
<p>MM 3.4.2 If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologists, shall be retained to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required. Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a</p>	<p><i>During construction activities</i></p>	<p><i>City of Biggs Planning Department</i></p>	

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<p>determination that the resource is either (1) not cultural in origin, or (2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially eligible resource is encountered, the archaeologist, lead agency, and project proponent shall arrange for either total avoidance of the resource, if possible, or test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</p>			
<p>MM 3.4.3 Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site, and the City shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. Any discovered exposed fossils could be collected along with other appropriate actions. If warranted, a sample of rock matrix will be collected for processing. The qualified paleontologist shall be equipped to allow for the rapid removal of fossil remains and/or matrix and thus reduce the potential for construction delays.</p>	<p>Prior to an ongoing during construction</p>	<p>City of Biggs Planning Department</p>	
HYDROLOGY AND WATER QUALITY			
<p>MM 3.6.3 Prior to implementation of the proposed project, the City shall prepare a Background Groundwater Quality Study to determine baseline groundwater quality characteristics. The City shall then perform continual groundwater quality monitoring of the groundwater underlying the project site in order to identify any negative effects of the project compared with the baseline groundwater quality characteristics identified by the Background Groundwater Quality Study. If groundwater monitoring data shows that the discharge to the effluent storage basins has violated the groundwater limitations, modifications</p>	<p>Prior to grading permit approval</p>	<p>City of Biggs Planning Department; Central Valley Regional Water Quality Control Board</p>	

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will be made to prevent further exceedance.			
HAZARDS AND HAZARDOUS MATERIALS			
<p>MM 3.7.2 The City shall implement all recommendations made by the Butte County Mosquito and Vector Control District for necessary measures to avoid ponding and treatments, including chemical control of the effluent storage basins. In addition, during the summer months, the City shall monitor the effluent storage basins for mosquito larvae, remove all emergent vegetation from the effluent storage basins, and use mechanical agitation to prevent the formation of any crust on the effluent storage basins.</p>	<p>Prior to grading permit approval</p>	<p>City of Biggs Planning Department</p>	