

46-04292024-004

04/29/2024 01:09 PM

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): Sierraville Public Utility District (SPUD)
PO BOX 325

County Clerk
County of: Sierra
100 Courthouse Square #200
Downieville, CA 95936

Sierraville, CA 96126
(Address)

Project Title: Sierraville Public Utility District Well Construction Project

Project Applicant: Sierraville Public Utility District (SPUD)

Project Location - Specific:

Section 25, Township 20 North, Range 14 East, Mount Diablo Meridian.

Project Location - City: Sierraville Project Location - County: Sierra

Description of Nature, Purpose and Beneficiaries of Project:

The project involves constructing a well that will improve the reliability of drinking water available to SPUD customers. The well will be constructed adjacent to the pump house on land administered by the Tahoe National Forest (TNF) in an area disturbed by previous facility construction. Additional information can be found in the decision memo from TNF, attached.

Name of Public Agency Approving Project: SPUD

Name of Person or Agency Carrying Out Project: SPUD

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: Common Sense Exemption (CEQA Guidelines 15061(b)(3))

Reasons why project is exempt:

TNF's NEPA environmental analysis determined that the project is categorically excluded from documentation in an environmental impact statement or an environmental assessment. The applicable category of action is identified in agency procedures as 36 CFR 220.6(e)(3): Approval, modification, or continuation of special uses that require less than 20 acres of National Forest Service Lands. Section 15061(b)(3) is applicable because the project is already covered by a previous environmental document and no there is no possibility that a significant environmental impact could occur.

Lead Agency

Contact Person: Lee Wright, SPUD Board President Area Code/Telephone/Extension: 530-414-5994

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ■ Yes No

Signature: [Signature] Date: 04.17.2024 Title: Board President

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**Tahoe National Forest
DECISION MEMO
for Categorical Exclusion
Sierraville Public Utility District
Well Construction Project**



DECISION MEMO
For
A Categorical Exclusion

SIERRAVILLE PUBLIC UTILITIES DISTRICT

USDA Forest Service
Tahoe National Forest
Sierra County, California

BACKGROUND

The Tahoe National Forest (TNF) manages Special Use Authorization SVD106401B Issued to Sierraville Public Utilities District (SPUD) for the continued operation and maintenance of an existing buried water collection system at Railroad Spring including a spring, fenced enclosure, pipeline, pumphouse, and powerline.

Special Use Permit SVD106401B expires on 12/31/2026 and will be due for renewal. The permitted facilities are located within a portion of the NW¼ of the NE¼ of Section 25, Township 20 North, Range 14 East, Mount Diablo Meridian.

PROPOSED ACTION

TNF proposes to issue a 20-year Special Use Permit to reauthorize existing facilities and authorize proposed facility upgrades. The Tahoe National Forest needs to respond to the Special Use Permit application in accordance with Forest Service land use regulations at 36 CFR 251.54 while meeting the resource management purposes described in the Tahoe National Forest Land and Resource Management Plan (1990), as amended. SPUD's stated purpose and need for the project follows.

SPUD PROJECT GOALS AND OBJECTIVES:

SPUD has a responsibility to provide a safe water supply to its customers within the community of Sierraville, in accordance with State of California water system regulations. Well construction will address this need by improving the reliability of drinking water available to Sierraville residents. The well is proposed to be constructed adjacent to the pumphouse in an area disturbed by previous facility construction. If that site does not meet quality standards, a secondary well site that is a short distance from the pumphouse may be considered as an alternative.

FOREST SERVICE PURPOSE AND NEED FOR ACTION

The TNF manages the Special Use Authorization SVD106401B Issued to SPUD for a buried water collection system at Railroad Spring including a spring, fenced enclosure, pipeline, pumphouse, and powerline. A Forest Service decision to approve or deny SPUD's application is needed for TNF to comply with Title V of the Federal Land Policy Management Act and related Forest Service land use regulations. Applications for use and occupancy of NFS lands must be consistent with the applicable Land and Resource Management Plans. The Forest Service's

purpose in responding to SPUD's application is to achieve Forest Plan desired conditions for issuance of Special Use Authorizations and potentially affected resources.

DECISION

It is my decision to issue a 20-year Special Use Permit to SPUD to reauthorize existing facilities and construction of well facilities. Approving issuance of the Special Use Permit will help improve public health and safety conditions at the permitted facilities and support continued delivery of high-quality water service to SPUD customers.

Reasons for Categorically Excluding this action:

An environmental analysis determined that this action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of action is identified in agency procedures as 36 CFR 220.6(e)(3): *Approval, modification, or continuation of special uses that require less than 20 acres of NFS lands.*

Forest Service Staff Review

The project proposed action and site plan have been reviewed by the Forest Service interdisciplinary team.

Resource Protection Measures (RPMs) and Management Requirements

The following resource protection measures and management requirements shall be included as part of the operating plan for the Special Use Permit to ensure their implementation. In addition to the following resource specific protection measures, SPUD will adhere to all state and local regulations, including obtaining necessary permits.

Soils and Hydrology:

- A) SPUD shall prepare and implement an erosion control plan to guard against discharge, (including storm events during the construction/demolition) to stream channels. The erosion control plan shall be included as part of the Special Use Permit.
- B) The temporary construction disturbance area shall be staked on the ground prior to commencement of construction activities and marked with silt and/or snow fence; all construction activities shall remain within the boundary of the temporary construction area.
- C) Exclude all equipment from the adjacent meadow unless approved by a Forest Service Soil Scientist, Hydrologist or Aquatics Biologist.
- D) Limit construction/demolition to the dry season when soil is dry to at least eight inches.
- D) Apply weed free mulch to all bare soil that is the result of construction activities.



Nonnative Invasive Plant Management Resource Protection Measures

Any equipment that is brought on site should be washed if it is coming from a known noxious weed infested area. Clean equipment inspection should be performed before the heavy equipment arrives on site and when equipment moves from heavily infested to lightly infested areas. Any materials used for erosion control or revegetation should come from adjacent areas. It is recommended that conifer needles and chipped branches be used for mulch and native seeds be raked in from the side to revegetate and cover disturbed ground. As a last resort, weed-free materials could be brought from approved gravel pits or other weed free certified sources. To prevent compromising defensible space, mulching will not be done within 10' of the new building.

Archaeological and Historic Resources

The project area was surveyed for cultural resources. The District Archaeologist found that cultural or historic resources are present within the project area. Resource protection measures will include a site visit to the disturbance area prior to construction.

Aquatic and Terrestrial Wildlife and Plants

The District Biologist reviewed wildlife databases to identify possible records of TES terrestrial wildlife species (federally endangered, threatened, proposed and candidate species or USFS R5 sensitive species) within the project area vicinity. There are no incidental records of TES species within 0.5 miles of the project area. I also assessed habitat for TES species within and adjacent to the project area. All known nesting and roosting habitat of California spotted owl and northern goshawk is >1 mile away.

It is my determination that the proposed action would have no adverse short- or long-term effects to TES species. Further, no effects to migratory birds (MBTA) or changes in habitat for Management Indicator Species (MIS) are anticipated. This conclusion is based on a lack of suitable habitat within the project area, the small footprint of the proposed action, and the location of the proposed action within an area that has already experienced development. There are no extraordinary circumstances related to the proposed action for the location, intensity and amount of area and I have no further input on the proposed action as it is currently described. Any changes to the proposed action, project location, intensity and/or amount of area impacted could result in a different conclusion. Please notify me of any changes so that I may update my response if needed.

Extraordinary Circumstances

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I considered resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist.

If any TES species previously unknown in the project area are detected or found nesting within 0.25 miles of project activities, appropriate mitigation measures would be implemented. Measures could include but are not limited to implementation of a species-specific limited operating period (LOP) or designation of a protected activity center.



FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Tahoe National Forest Land and Resource Management Plan (LRMP, 1990), as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (ROD, 2004). The project was designed in conformance with Forest Plan direction including all applicable standards, objectives, and guidelines. The proposed action is consistent with all other Federal, State, and local laws and requirements including:

National Forest Management Act of 1976

All management practices and activities of the proposed action are consistent with the management direction, including standards and guidelines, in the final Land and Resource Management Plan for the Tahoe National Forest (June 14, 1990), as amended, and its provisions, developed in accordance with the National Forest Management Act of 1976. 16 USC 1604(i) and 36 CFR 219.10(e).

National Historic Preservation Act of 1966

Section 106 of the NHPA was completed for this undertaking under stipulation 7.8 of *Amendment 1 to the Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forest of the Pacific Southwest Region (Regional PA 2018)*.

Endangered Species Act

All required coordination with the U.S. Fish and Wildlife Service was completed.

Clean Water Act

Water quality should not be adversely affected with implementation of resource protections, and mitigation measures incorporated into the entire project design.

Clean Air Act

Implementation of this decision will not cause any air pollutants to be added to the atmosphere.

Scoping and Public Involvement:

Internal scoping was conducted with the Sierraville Ranger District resource specialists. Specialist review is included in the project record and available upon request.

ADMINISTRATIVE REVIEW AND IMPLEMENTATION DATE

This decision is not subject to administrative review (Agriculture Act of 2014, Subtitle A, Sec. 8006).

The project may be implemented immediately upon signature by the Responsible Official.



CONTACT

For additional information concerning this decision, please contact: Rachel Hutchinson, Sierraville District Ranger, Rachel.Hutchinson@usda.gov, 530-994-3401

RESPONSIBLE OFFICIAL

The Forest Supervisor of the Tahoe National Forest is the responsible official and will decide to approve or deny SPUD's Application for well construction.

SIGNATURE AND DATE

Approved by:		Digitally signed by MATTHEW JEDRA Date: 2024.03.26 16:59:06 -07'00'
	Matthew Jedra Forest Supervisor (Acting) Tahoe National Forest	Date

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RESOLUTION 2024-01

To Authorize Execution of CEQA Notice of Exemption

WHEREAS, the District desires to approve the construction of a new Groundwater Well on Tahoe National Forest Lands (Project), pursuant to a Special Use Permit issued by therefor;

WHEREAS, the District desires to improve the reliability and sustainability of its source of water supply for domestic consumption and fire protection for the benefit of District Customers;

WHEREAS, the District has secured the issuance of a Special Use Permit from the United States Forest Service, Tahoe National Forest for the development of a Groundwater Well within the Special Use Area, adjacent to District's existing Booster Pump Station and facilities;

WHEREAS, the United States Forest Service, Tahoe National Forest, as Cooperating Agency, has conducted environmental review pursuant to the National Environmental Protection Act (NEPA) and applicable regulations and has determined that the Project is approved as Categorical Excluded from further study or review;

WHEREAS, the Project and related facilities shall be located on approximately 1.6 acres of federal land within the Tahoe National Forest and no excavation, construction nor development of property outside of the approved Special Use Area shall occur;

WHEREAS, California Environmental Quality Act (CEQA), CEQA Guidelines Section 15061 (b)(3) is applicable because the Project has been studied, approved, and covered by previous environmental document with resource protection and implementation measures, as mandated by Tahoe National Forest, no possibility of a significant environmental impact shall occur,

ACCORDINGLY, the Board of Directors hereby find that the foregoing recitals are true and correct and finding further, as follow:

1. That It is in the Best Interest of District and Its Customers to construct a new Groundwater Well in order to secure a redundant or alternative source of sustainable water supply for domestic consumption and fire protection purposes;
2. That the Project is exempt from CEQA analysis pursuant to Guidelines Section 15061(b)(3), the Common Sense Exemption, applying to projects that can be evaluated, with certainty, to have no possibility of a significant impact on the environment;
3. That CEQA Guidelines Section 15061 (b)(3) is applicable in that the project has been covered by a previous environmental review and document, in the form of Decision Memorandum, Issued by the Tahoe National Forest;
4. That no further environmental review is required at this time;
5. That the Project conforms to all the requirements of State and Federal laws and regulations;
6. That the Project, as proposed, is not detrimental to the health, safety, or general welfare of the community.

BE IT RESOLVED, the Notice of Exemption, attached hereto and incorporated herein, is hereby approved and adopted, and the President of the Board is hereby authorized and directed to execute

and deliver the Notice of Exemption to District's Environmental Consultant for filing with the State Clearinghouse and the County of Sierra, pursuant to law.

Adopted this 17th day of April 2024;

AYES: Director, Wright, McElroy, Larson, Hawkhurst
NOES: 0
ABSENT: Director Spencer
ABSTAIN: 0

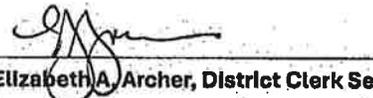
The undersigned, Elizabeth Archer, Clerk Secretary of the District heretofore named, does hereby attest, and certify that the foregoing is a true and full copy of a Resolution of the Governing Board of Directors adopted at a duly convened meeting on the date referenced above, and that said Resolution has not been altered, amended, or repealed.

DATE: April 17, 2024

APPROVED:


Lee Wright, Board President

ATTEST:


Elizabeth A. Archer, District Clerk Secretary