

## **JUSTIFICATION & FINDINGS FOR NOTICE OF EXEMPTION Construction of Needles Well No.16**

On August 10, 2021, the City Council of the City of Needles adopted Emergency Resolution 2021-\_\_\_\_\_ Declaring a Local Emergency Threatening Water Service To the Needles Community. The City Council found that due to the immediate threat to municipal water service upon which the community relies for life sustaining potable water, a local emergency exists throughout the City of Needles pursuant to the Emergency Services Act, Government Code Sections 8558, et. seq. It further found that this emergency situation presents a threat to the life, health, and property of City residents. Given this emergency, the Resolution stated that the City of Needles Mayor, Vice Mayor and City Manager are authorized to take all actions to protect the interests of the City and to protect the health, safety and welfare of residents as a result of operating on one well and to address the threat to water service.

For purposes of the California Environmental Quality Act ("CEQA"), the City is relying on the specific Emergency Projects Exemption, 14 Cal. Code Reg. section 15269, because of the documented emergency situation and the Project being essential to the public health, safety and welfare. Findings of no impacts to environmental resources follows.

### CEQA Findings

A 2021 review and supplemental technical studies were prepared as part of the previous *No Name Substation to Firehouse Switchyard 69-kilovolt Transmission Line Environmental Assessment (Department of Energy EA-1577) and Negative Declaration (State Clearinghouse No. 2007021032) ("EA/ND")* for the No Name Substation to Firehouse Switchyard 69-kilovolt Transmission Line and Development of The City Well No. 16 Project ("Proposed Action") to evaluate changes in the Proposed Action and the related environmental effects of those changes.

Based on the information provided in the 2021 supplemental studies, the proposed revisions to the 2007 Approved Proposed Action would not result in new impacts or a measurable increase in environmental impacts over what was previously analyzed in the EA/ND. Although the specific location and timing of some impacts have changed, no new significant impacts have been identified, nor is the severity of newly identified impacts substantially greater than the conclusions of the EA/ND.

### Air Quality

The construction and operation of a domestic water well and booster pump would not conflict with or obstruct implementation of the air quality plan requirements imposed by the Mojave Desert Air Quality Management District (MDAQMD), which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). Although the proposed project would not exceed the District's threshold for particulate matter, the City will implement regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area), which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible. Excavation of the well would be performed by reverse motor drilling, which creates minimal dust. Impacts would be less than significant.

### Biological Resources

In general, impacts to all bird species can be avoided by conducting work outside of the nesting season (generally March 15<sup>th</sup> to September 15<sup>th</sup>), and conducting a worker awareness training. Therefore, the Revised Proposed Action would not create additional significant direct, indirect, or cumulative impacts to biological resources, nor increase the severity of impacts previously identified in the EA/ND. The Resource Protection Measures provided in the EA/ND which require additional surveys during nesting season are still valid.

### Cultural Resources

The EA/ND documented that the Proposed Action would have no adverse effect on cultural or historic properties. The California and Arizona State Historic Preservation Offices (“SHPO”) concurred with Western Area Power Administration’s (“WAPA”) determination on December 14, 2006, and January 4, 2007, respectively. Therefore, it was determined that no significant direct, indirect or cumulative impacts to cultural resources would occur as a result of the Proposed Action. An updated Cultural Resources Investigation Search was conducted in May 2021. The study was limited to the completion of an updated archaeological records search and Native American Heritage Commission (“NAHC”) consultation. At the time of this investigation, the area of Well No. 16 direct impacts was confirmed to be vacant and part of an existing substation facility. The NAHC was contacted to inquire into the current status of the Sacred Land Files and reported Native American resources in the area of Needles. The results were negative – no resources were identified in the NAHC files. On June 8, 2021 H. Jill McCormick, Historic Preservation Officer of the Quechan Indian Tribe responded that the tribe has no comments on the project. Therefore, the Revised Proposed Action would not create additional significant impacts to cultural or tribal resources, nor increase the severity of impacts previously identified in the EA/ND. The Resource Protection Measures provided in the EA/ND are still valid and no additional mitigation measures are required.

### Water Quality

Impacts to water resources from the Proposed Action as evaluated in the EA/ND were expected to be minimal. Temporary disturbances would be restored to original contours. No changes would occur to the drainage patterns, and no modifications to floodplains or flow patterns would result. Findings were that water quality would not be adversely affected and that the Proposed Action would comply with resource protection measures, including proper fuel handling and storage, and appropriate spill contingencies. Therefore, it was determined that no significant direct, indirect, or cumulative impacts to water resources would result from the Proposed Action.

The Well No. 16 location is approximately 840 feet east of and approximately five feet in elevation higher than the Colorado River, a Waters of the U.S. under jurisdiction of the U.S. Army Corps of Engineers. The Revised Proposed Action would be designed and implemented to avoid surface water resources. Therefore, the Revised Proposed Action would not create additional significant impacts to water resources, nor increase the severity of impacts previously identified in the EA/ND.

*Groundwater:* The City needs redundancy in the system, particularly with respect to the well supply. The Master Plan recommended that the City drill a new well capable of producing a minimum of 1,500 gpm to provide backup for the 2019 system demands. Consistent with the 2019 Water Master Plan and to meet the additional demands placed on the water system by three wells being taken out of production in 2020, the construction of Well No. -16 at present time is justified. The well will replace groundwater that was previously produced to meet the City’s demands. Therefore, the Revised Proposed Action would not create additional significant impacts to groundwater resources, nor increase the severity of impacts previously identified in the EA/ND.