

# **Initial Study/Proposed Mitigated Negative Declaration**

for the

## **Maverick Fueling Center and Convenience Store**

**July 2023**

**City of Williams, Planning and Zoning Department  
P.O. Box 310 Williams, CA 95987**

# CEQA Environmental Checklist

## PROJECT DESCRIPTION AND BACKGROUND

**Project Title:** Maverick Convenience Store-Design Review DR 23-02

**Lead agency name:** City of Williams

**Address:** P.O. Box 310, Williams, CA 95987

**Contact person:** Katheryn Ramsaur                      **Phone number:** 530-473-2955

**Project sponsor's name:** Kevin Deis, Sr. Planning Project Manager, Maverick, Inc.

**Address:** 185 South State Street, Suite 100, SLC, UT 84111

**Project Location:** APN 016-320-110-00 – Parcel A, Husted Road/Frontage Road

**General plan description:** Commercial

**Zoning:** Commercial

### **Description of project:**

The project proposes construction of a convenience store and vehicle refueling station on a five-acre vacant lot in the south Williams area (see Figures 1-Vicinity Map and 2 Aerial Photo). The convenience store would consist of a 5,982 square foot building, 12 refueling stations, and related improvements, located on the southeasterly portion of the site (see Figure 3, Site Plans). Access to the site would be from two driveways off Husted Road and the Highway Frontage Road that parallels Highway 5 (Interstate 5). A new driveway would be created at the north side of the site connecting to the frontage road that would also include a new bridge that will cross over the irrigation ditch that parallels the road. Frontage improvements would be made to both the project site and the existing Ramos Oil Petroleum facility located next to the project site. Driveways would be merged between the Ramos Oil facility and the project driveways. The store would be used for retail sales and include a restaurant (see Figure 4-Floor Plan). The store would also provide public restrooms and operate 24 hours a day, 7 days a week.

The store/building would consist of a modern design with cement fiber sidings and metal roofing and architectural elements (see Figure 5-Concept Elevations). The project proposes a system of signage including two large freestanding signs, one located along the back of the site facing Highway 5 and the second near the front site entrance (see Figure 6-Freestanding Signs). A variety of exterior lighting would be used on the building and around the site; the most visible from the refueling canopies and freestanding lighting (see Figure 7-Lighting). Areas not covered by the building or circulation areas would be landscaped (see Figure 8-Lanscaping Plans).

**Discretionary CEQA Review:** In accordance with Section 15357 of the California Environmental Act (CEQA) Guidelines, projects that are discretionary are subject to environmental review. Discretionary means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable

statutes, ordinances, regulations, or other fixed standards. The key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project. The project is subject to Design Review in accordance with Table 17.05.240.2, Administrative Permits, of the City's Zoning Code which defers to the City Design Review Manual (Chapter 2, Design Review Process) interprets projects that exceed 2,000 square feet in size as significant; requires discretionary design review by the Planning Commission. In this case, since the project involves discretionary review by the Planning Commission it is also subject to environmental review in accordance with CEQA.

**Surrounding land uses and setting:**

The project site is relatively flat, sloped very generally down southerly, and wild grass covered. Surrounding uses include Ramos Oil just to the north; Frontage Road and Husted Road create the eastern border and Interstate 5 borders the property on the west. The Husted Road/I-5 northbound on-ramp creates the south property line. To the east of the property, along Frontage Road is the north end of the Morning Star Packing Company property (see Figure 9-Site Photos).

**Other public agencies whose approval is required** (e.g. permits, financial approval, or participation agreements):

- Colusa County Air Pollution Control District's Authority to Construct and Permit to operate.
- Sign approval from the California Department of Transportation.
- Streambed Alteration Permit from the California Department of Fish and Wildlife for the new irrigation channel driveway crossing.

**NATIVE AMERICAN CONSULTATION**

**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) section 21080.3.1?**     Yes     No

**If yes, ensure that consultation and heritage resource confidentiality follow PRC sections 21080.3.1 and 21080.3.2 and California Government Code 65352.4**

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 4 for additional information.

- |   |  |
|---|--|
| <input type="checkbox"/> Aesthetics                           | <input type="checkbox"/> Agriculture and Forestry                    |
| <input checked="" type="checkbox"/> <b>Air Quality</b>        | <input checked="" type="checkbox"/> <b>Biological Resources</b>      |
| <input checked="" type="checkbox"/> <b>Cultural Resources</b> | <input type="checkbox"/> Energy                                      |
| <input checked="" type="checkbox"/> <b>Geology/Soils</b>      | <input type="checkbox"/> Greenhouse Gas Emissions                    |
| <input type="checkbox"/> Hazards and Hazardous Materials      | <input checked="" type="checkbox"/> <b>Hydrology/Water Quality</b>   |
| <input type="checkbox"/> Land Use/Planning                    | <input type="checkbox"/> Mineral Resources                           |
| <input checked="" type="checkbox"/> <b>Noise</b>              | <input type="checkbox"/> Population/Housing                          |
| <input type="checkbox"/> Public Services                      | <input type="checkbox"/> Recreation                                  |
| <input type="checkbox"/> Transportation                       | <input checked="" type="checkbox"/> <b>Tribal Cultural Resources</b> |
| <input type="checkbox"/> Utilities/Service Systems            | <input type="checkbox"/> Wildfire                                    |
| <input type="checkbox"/> Mandatory Findings of Significance   |  |



**DETERMINATION**

**On the basis of this initial evaluation (choose one):**

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kathryn Ramsaur

Print Name

Kathryn Ramsaur

Signature

7/16/2023

Date

**Figure 1 - Project Vicinity Map**

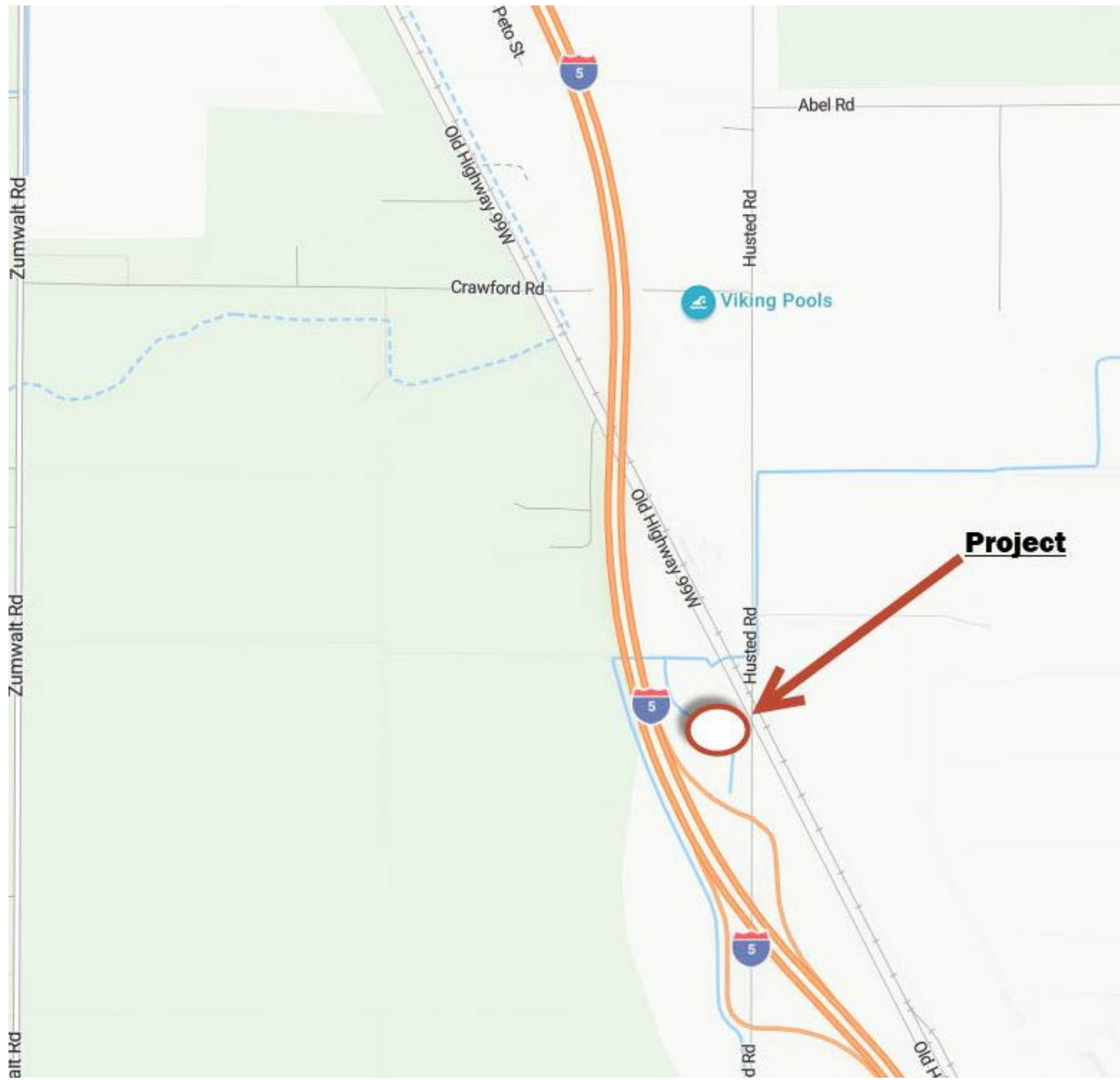


Figure 2 – Aerial Photo

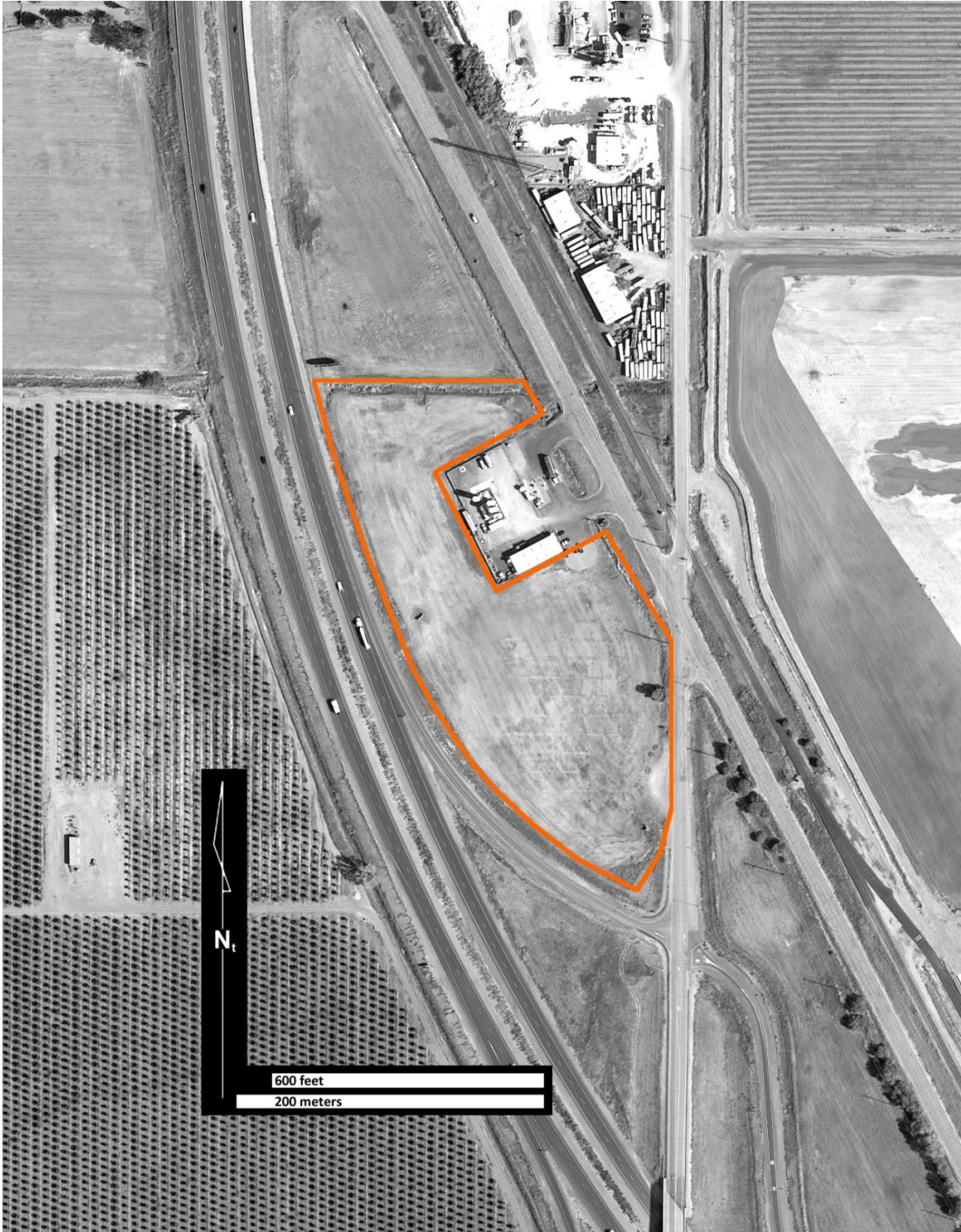




Figure 3-a – Site Plan-Aerial Photo



Figure 3-b-Site Plan-Overall

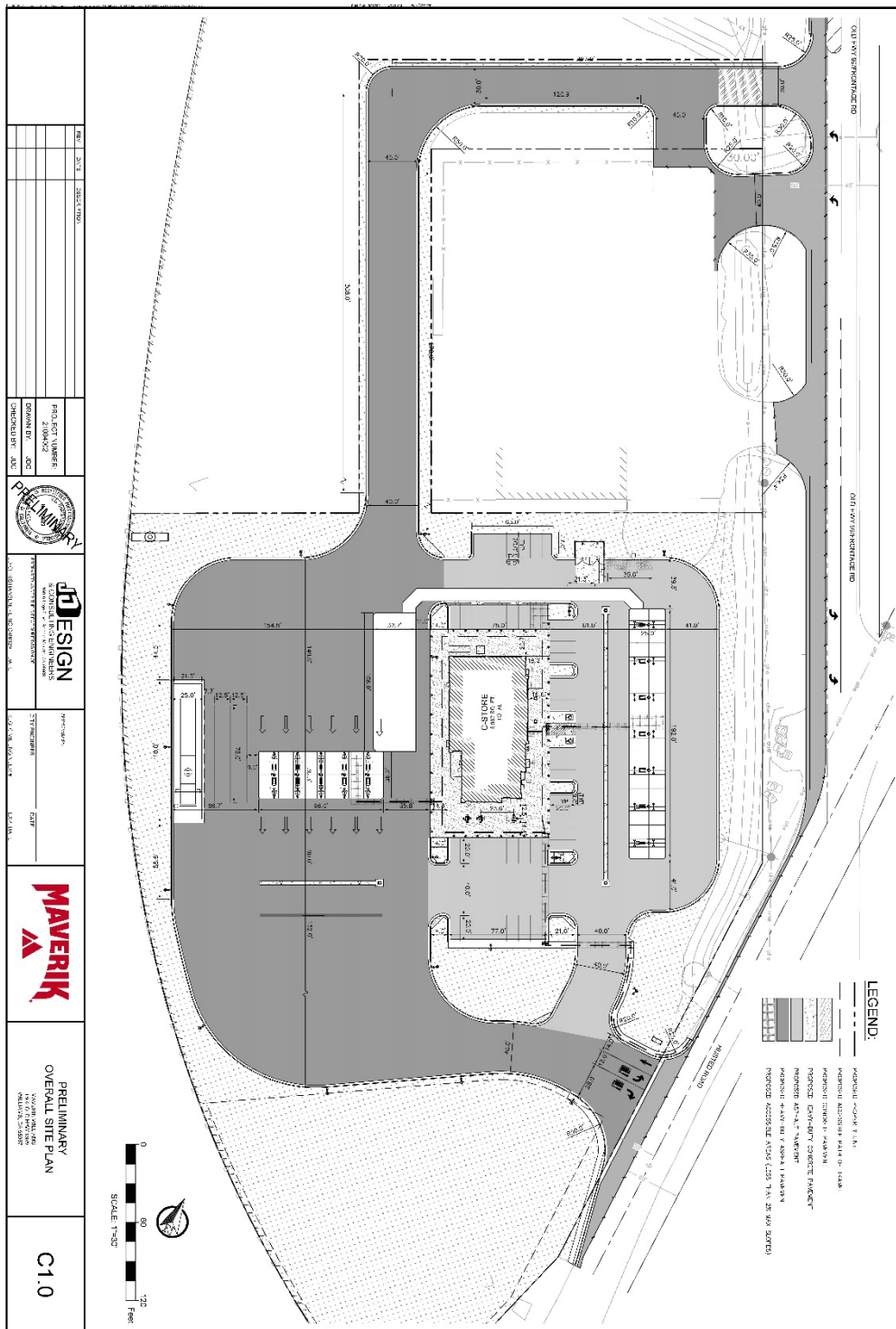
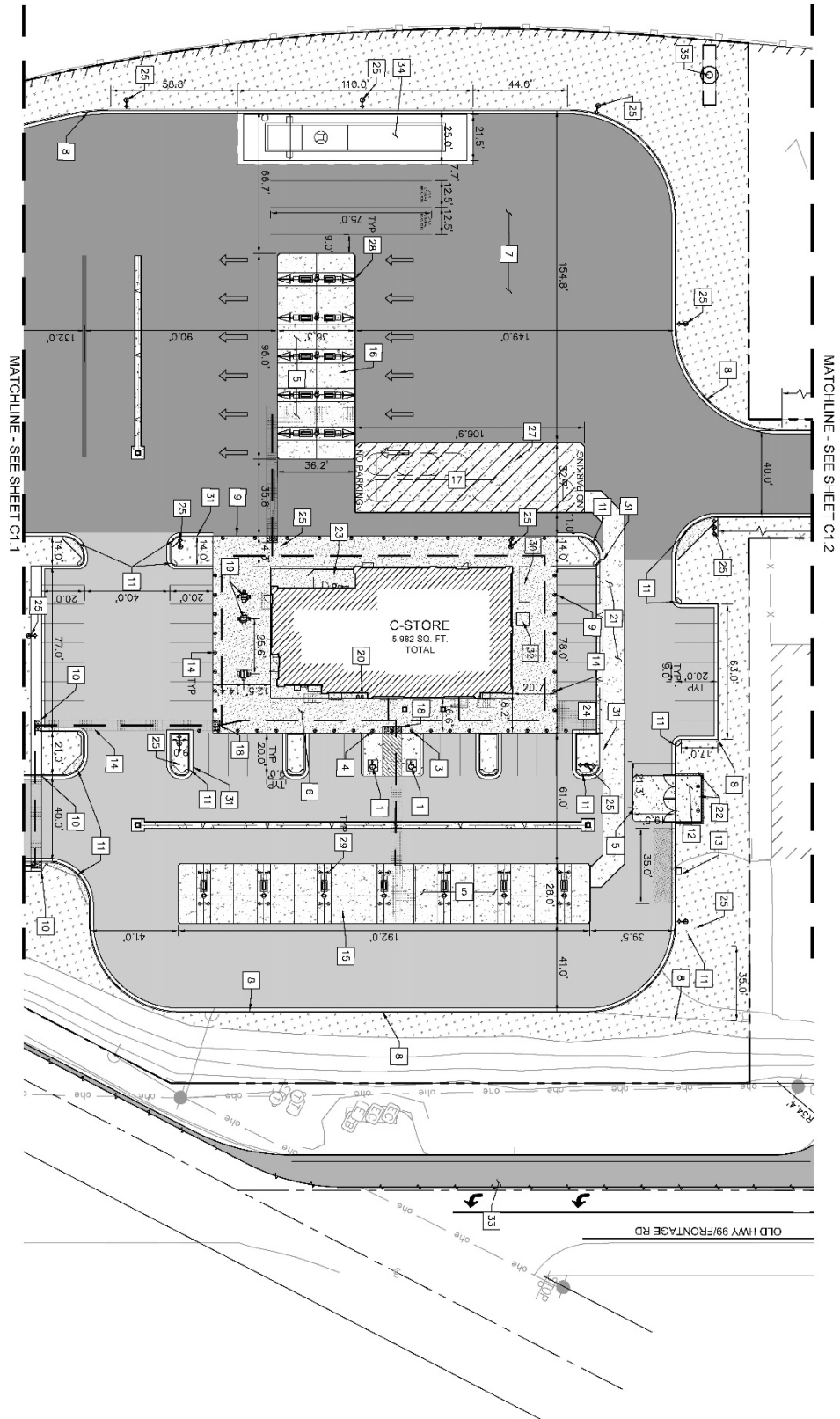
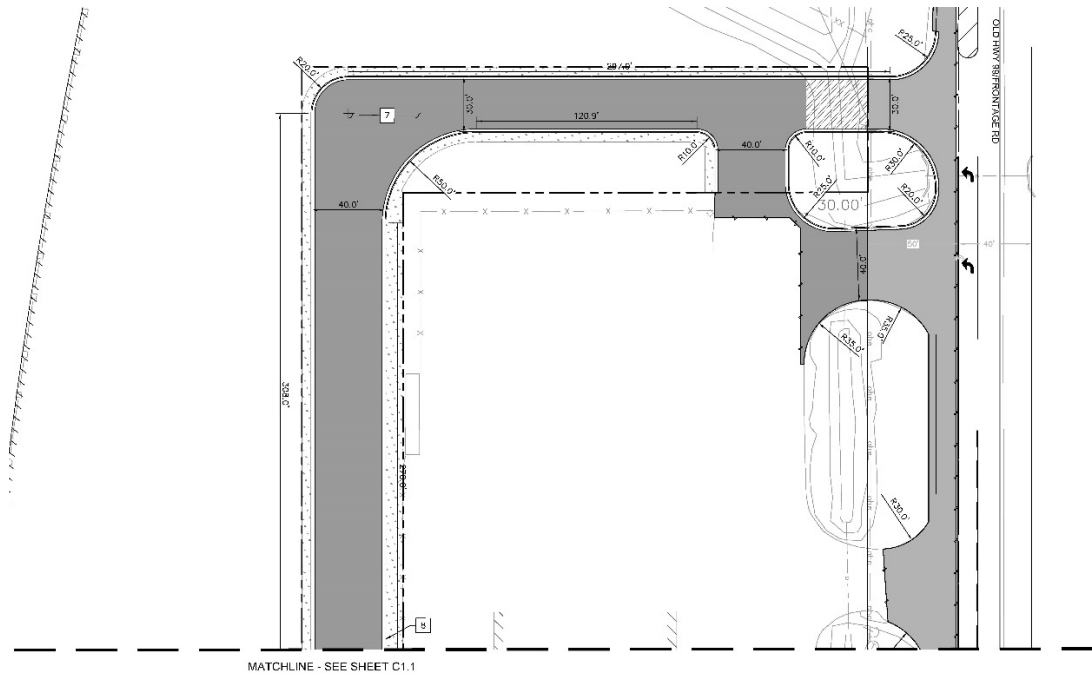


Figure 3-c – Site Plan-Specific (Main Site)

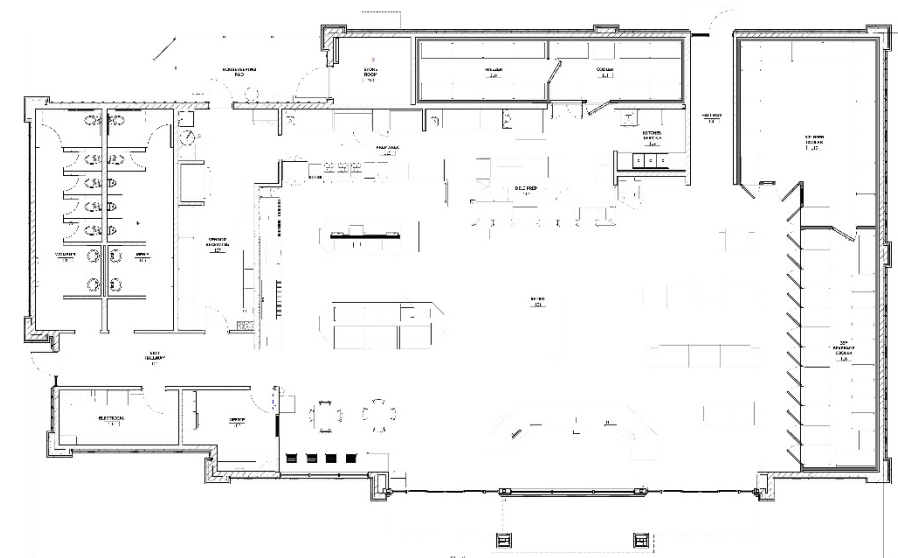




### Figure 3-d – Site Plan-Specific (North Access)



### Figure 4 – Convenience Store Floor Plan

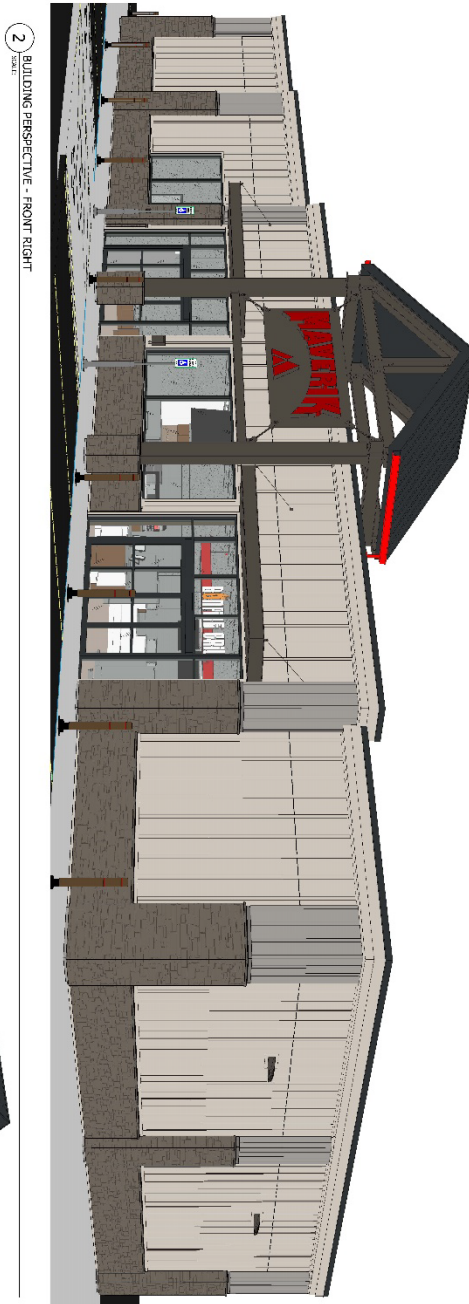


1 FLOOR PLAN

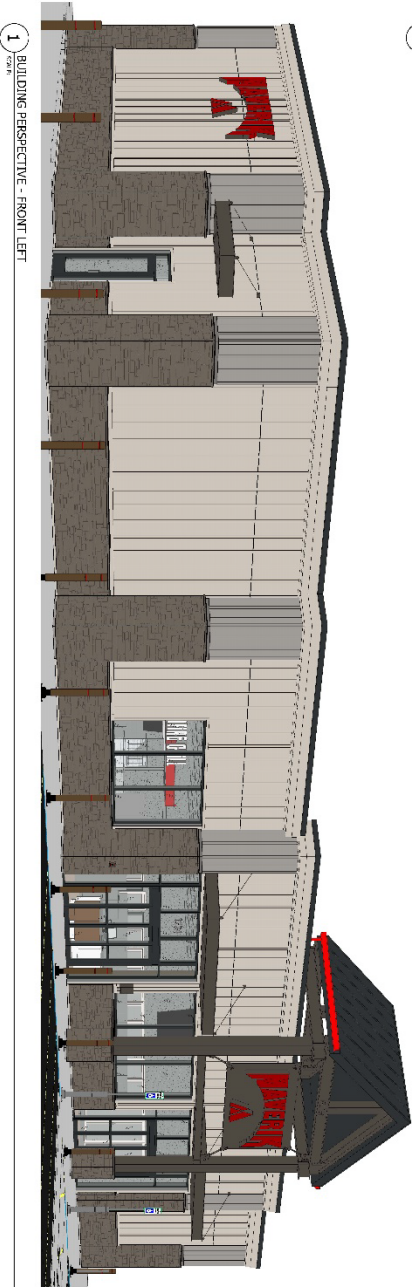
Project Version: 60 L RR 2202  
Building Square Footage: 5,982 SF  
Construction type/Occupancy Classification: V B / M  
A-1 | FLOOR PLAN



**Figure 5-a-Concept Building Elevations-(Concept Main Building)**



2 BUILDING PERSPECTIVE - FRONT RIGHT



1 BUILDING PERSPECTIVE - FRONT LEFT

**PROPOSED MAVERIK C-STORE**

Prototype Version: 60\_L\_RR\_2202  
 Building Square Footage: 5,982 SF  
 Construction Type/Occupancy Classification: V-B / M  
 A-3 | PERSPECTIVE VIEWS







Figure 5-c-Building Elevations-(Concept Main Building)

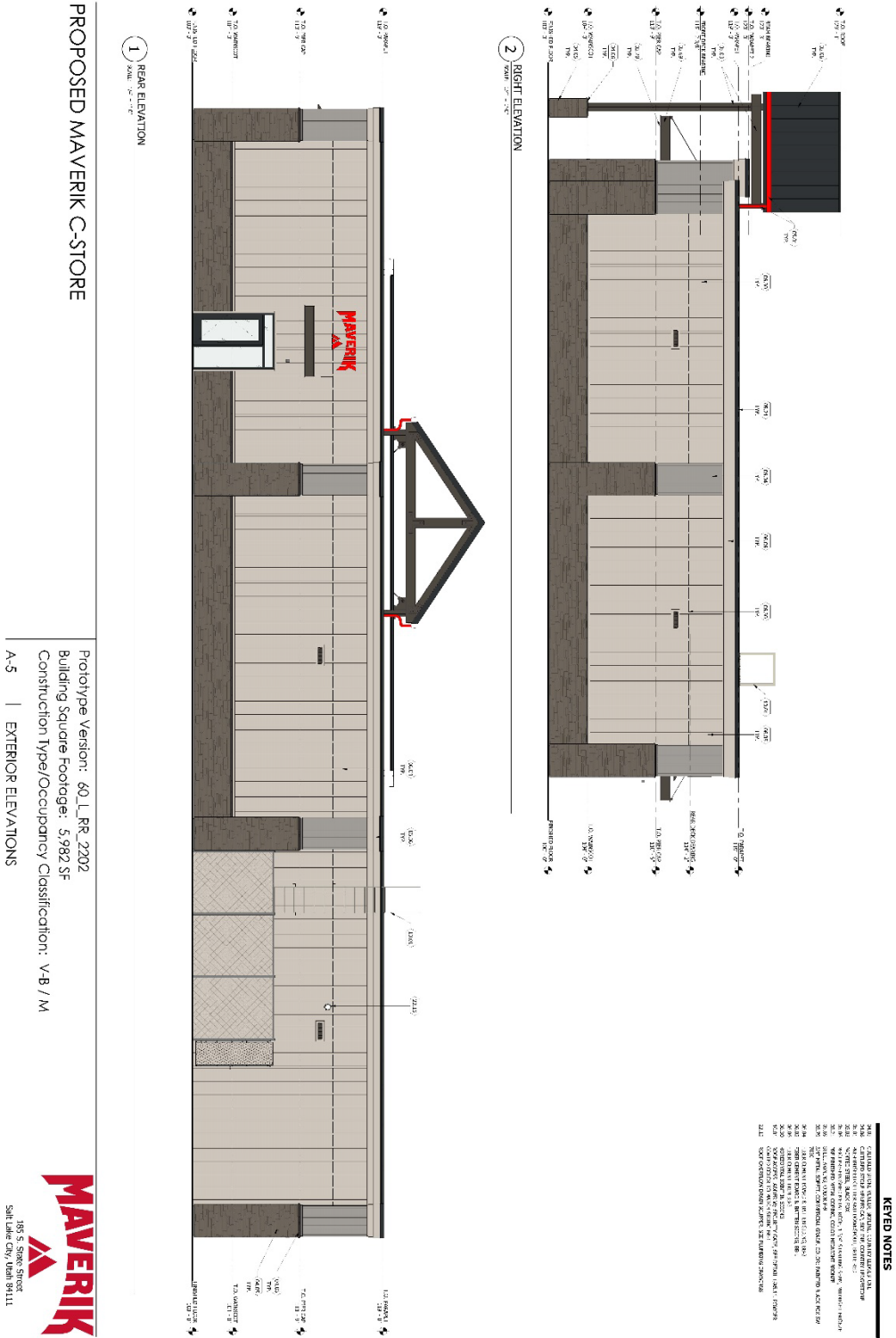
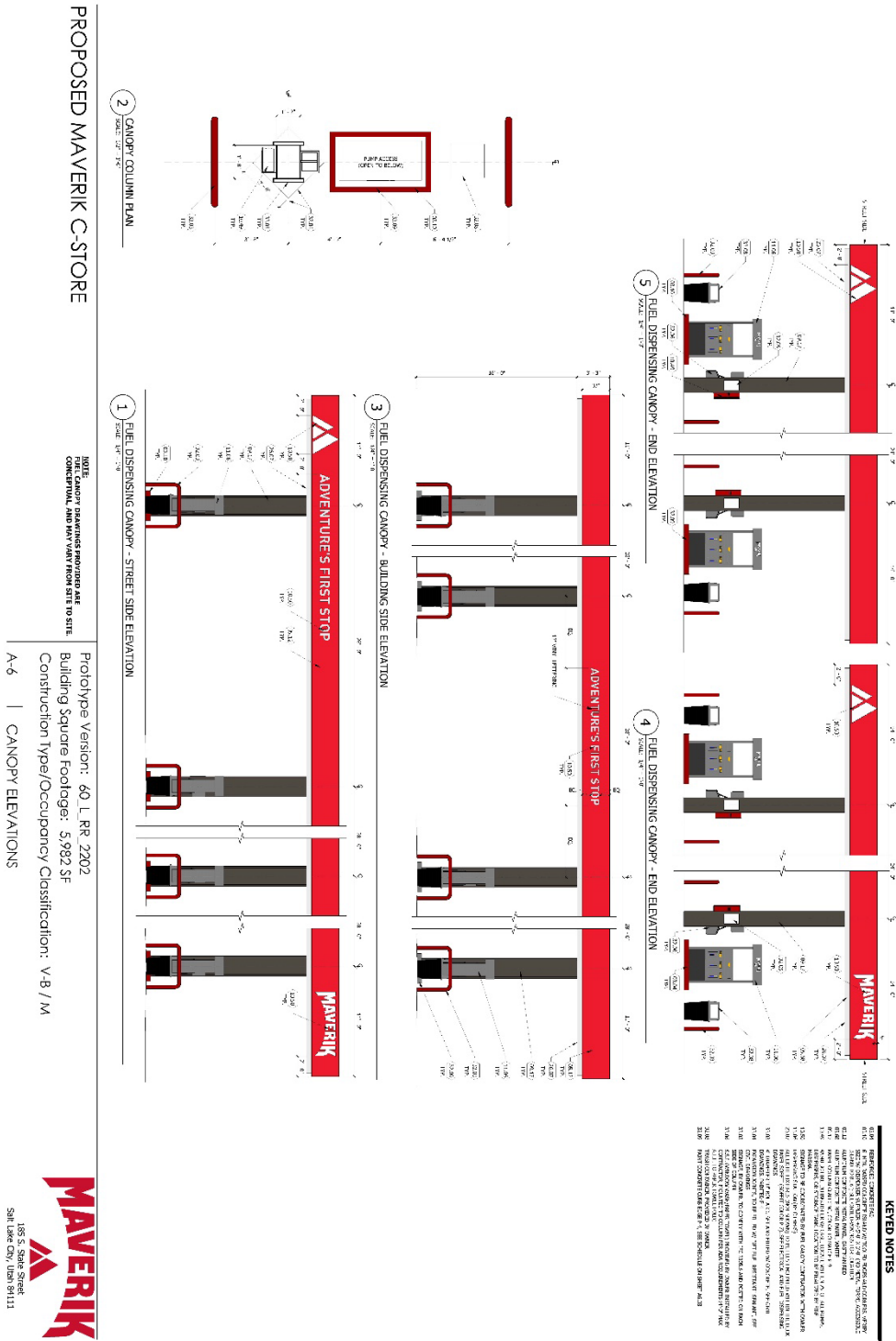


Figure 5-d-Building Elevations-(Concept Refueling Canopy)



# Figure 6 – Freestanding Signs Exhibits

**SIGN AREA: 73.75 sq. ft.**

NTE 20' OAH / 50sf

**SIDE VIEW**      **FRONT VIEW**

**S4 - MID PYLON**

**COLOR SCHEDULE**

1	PAINT	PMS #186
	VINYL	3M 3530-33 RED
2	PAINT	SHERWIN WILLIAMS #7020 "BLACK FOX"
	PRE-PAINT	DJ-RANDOLPH BRONZE
	VINYL	3M 3630-22 BLACK
3	PAINT	PMS #348
	VINYL	3M 3530-26 GREEN

**OPPOSITE SIDE**

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	<p><b>Maverik</b> 1500 Kessel Road Altoona, PA 16601</p>	<p>Rev: 0 Date: 7/13/22 Doc #: AD-MK-100948-220713-0 Blair Project #: 100948 Blair Sales Order #: 72217</p>	<p>Blair Image Elements 5107 Kessel Avenue Altoona, PA 16601 P: 814-949-6287 blairimage.com</p> <p><b>blair</b> IMAGE ELEMENTS™</p>
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**FRONT VIEW**

**S5 - 60' HIGH RISE PYLON**

**COLOR SCHEDULE**

1	PAINT	PMS #186
	VINYL	3M 3650-33 RED
2	PAINT	SHERWIN WILLIAMS #7020 "BLACK FOX"
	VINYL	BLACK

**SIGN AREA: 192.83 sq. ft.**

NTE 200SF / 60' OAH

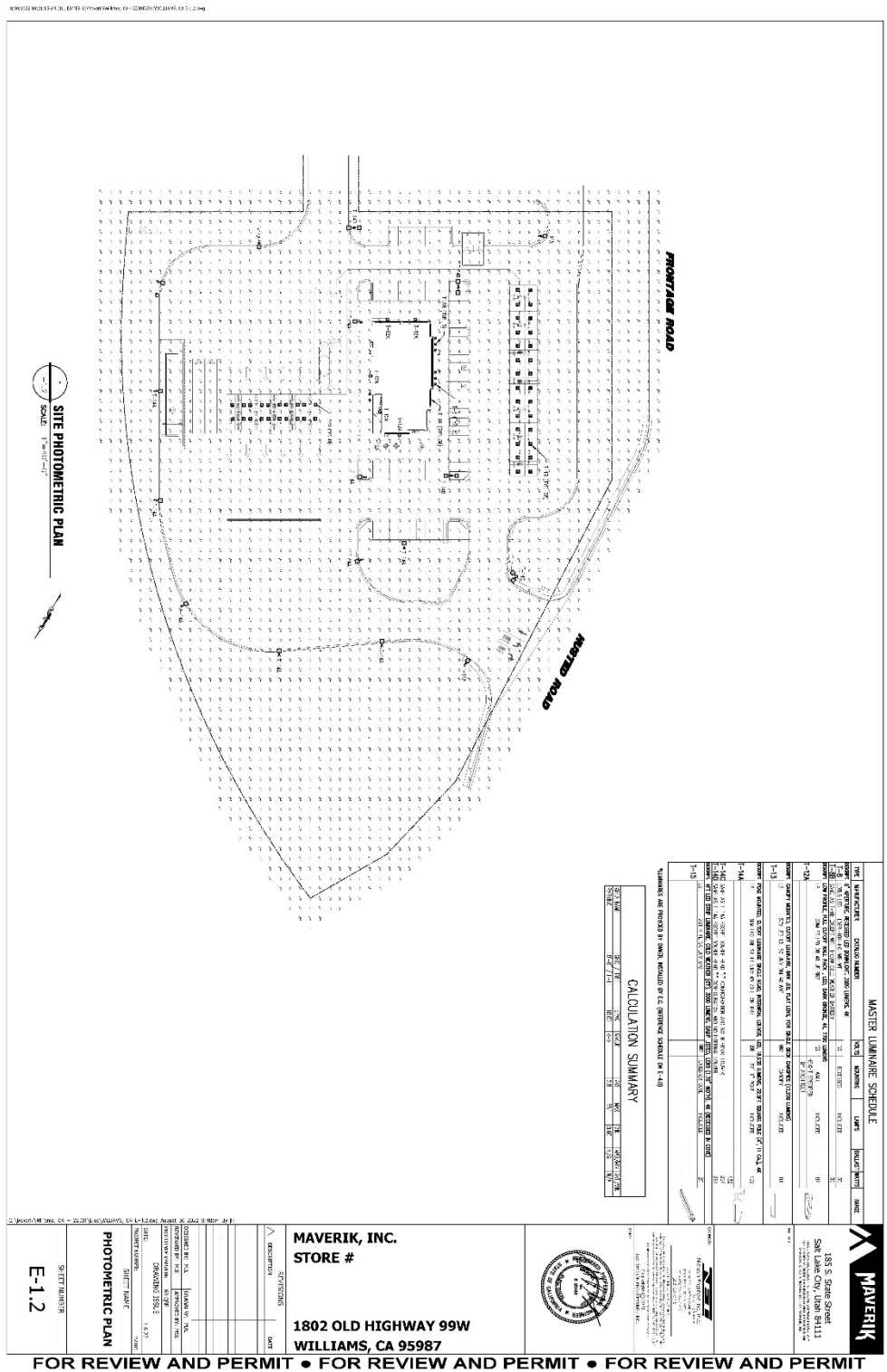
**FULL VIEW**

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	<p><b>Maverik</b> 1500 Kessel Road Altoona, PA 16601</p>	<p>Rev: 0 Date: 7/13/22 Doc #: AD-MK-100948-220713-0 Blair Project #: 100948 Blair Sales Order #: 72217</p>	<p>Blair Image Elements 5107 Kessel Avenue Altoona, PA 16601 P: 814-949-6287 blairimage.com</p> <p><b>blair</b> IMAGE ELEMENTS™</p>
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Figure 7-a-Site Lighting Plans-Photo-Metric Site Plan Diagram



**Figure 7-b-Site Lighting Plans-Freestanding Lighting Design**

Catalog # : SLM LED 18L SIL FT UNV 40 70CRI BRZ	Project : MAVERIK - T14A
Prepared By :	Date :



## Slice Medium - SLM Outdoor LED Area Light



The Slice's sleek design makes it perfectly-suited for Commercial & Industrial applications, while its cost-effective die-cast aluminum housing makes its acquisition cost very competitive. The Slice offers high performance silicone optics, die cast aluminum housing, 42,000+ lumens and is available with Integral Airlink Synapse controls.

### Features & Specifications

#### Optical System

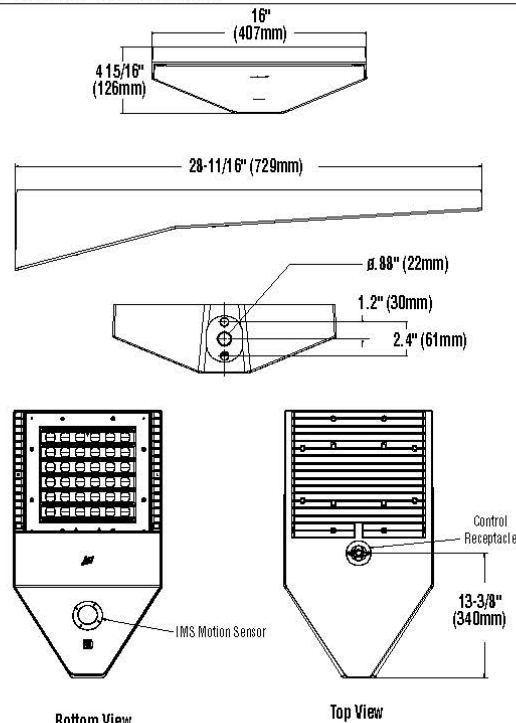
- State-of-the-Art one piece silicone optic sheet delivers industry leading optical control with an integrated gasket to provide IP66 rated sealed optical chamber in 1 component.
- Proprietary silicone refractor optics provide exceptional coverage and uniformity in IES Types 2, 3, 5W, FT and FTA.
- Silicone optical material does not yellow or crack with age and provides a typical light transmittance of 93%.
- Zero uplight.
- Available in 5000K, 4000K, 3000K, and 2700K color temperatures per ANSI C78.377. Also available in Phosphor Converted Amber, consult factory for availability.
- Minimum CRI of 70. Optional 80 CRI available, consult factory for lead time.
- Integral Louver (IL) option available for improved back-light control without sacrificing street side performance. See page 5 for more details.

#### Electrical

- High-performance driver features over-voltage, under-voltage, short-circuit and over temperature protection.
- 0-10V dimming (10% - 100%) standard.
- Standard Universal Voltage (120-277 Vac) Input 50/60 Hz or optional High Voltage (347-480 Vac).
- L80 Calculated Life: >100k Hours (See Lumen Maintenance on Page 3)
- Total harmonic distortion: <20%
- Operating temperature: -40°C to +50°C (-40°F to +122°F). 42L lumen package rated to +40°C.
- Power factor: >.90
- Input power stays constant over life.
- Field replaceable surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).
- High-efficacy LEDs mounted to metal-core circuit board to maximize heat dissipation
- Terminal block provided accepts up to 10ga wire.
- Components are fully encased in potting material for moisture resistance. Driver complies with FCC standards. Driver and key electronic components can easily be accessed.



### Product Dimensions

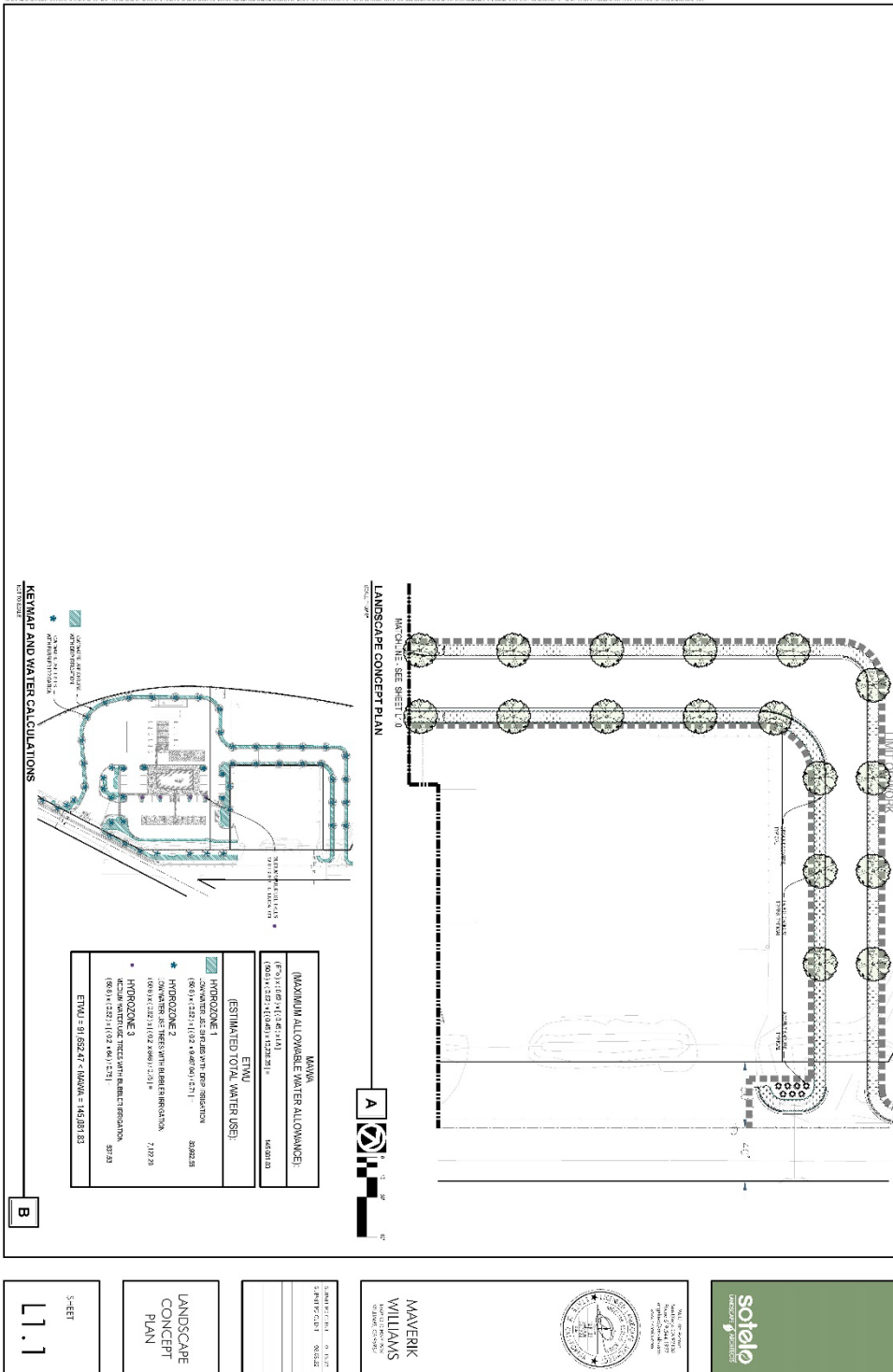


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Figure 8-b-Landscaping Plan (North Site)





**Figure 9 – Site Photos**

Photo 1 – Looking west to I-5 in the southern section of the Project Area



Photo 2 – From southeast section of the Project area looking north toward Ramos Oil





Photo 3 – Looking south along eastern project area border with Husted Road.



Photo 4 – Looking east toward Highway Frontage Road at north side of site



# CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources the City cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the City staff has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The analysis must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration pursuant to State CEQA Guidelines Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a. Earlier Analysis Used. Identify and state where they are available for review.

b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. City staff and consultants are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

- a. the significance criteria or threshold, if any, used to evaluate each question; and
- b. the mitigation measure identified, if any, to reduce the impact to less than significance.

9. **Initial Study Sources:** The following documents are referenced information sources and are incorporated by reference into this document and are available for review upon request of the Planning Department if they have not already been incorporated by reference into this report:

- *City of Williams General Plan*
- *City of Williams General Plan Environmental Impact Report*
- *City of Williams Zoning Code*
- *City of Williams Police Department*
- *City of Williams Public Works Director*
- *City of Williams City Engineer*
- *City of Williams Administrator*
- *City of Williams Fire Chief*

10. **Technical Studies and Public Comments:** This initial study incorporates several technical studies to support findings and conclusions of this report. Also comments from public agencies and tribal governments and responses to comments are included as follows:

Attachment A: Air Quality Assessment

Attachment B: Biological Assessment

Attachment C: Cultural Study

Attachment D: Traffic Impact Study

Attachment E: Public Agency Comments Received

Attachment F: Yoche Dehe Winton Nation Information

11. **Public Comments:** Project plans were circulated for public agency comments prior to preparation of this initial study. Comments received prior to the date this report was prepared were from the Colusa County Air Pollution Control District and the California Department of Transportation. These comments are found in Attachment F of this report. Responses to these comments have been incorporated into the pertinent sections of this report.

**Project Evaluation**

Under CEQA, impacts are determined to be:

**No Impact:** The project will result in no direct or indirect impact on the environment.

**Less Than Significant Impact:** The project will result in a direct or indirect impact on the environment, but the impact is not substantially adverse.

**Less Than Significant with Mitigation Incorporated:** The project will result in a potentially significant adverse impact on the environment, but mitigation measures are identified to reduce the impact to a less than significant level.

**Potentially Significant Impact:** The project may result in a direct or indirect impact on the environment and the impact may be substantially adverse, but information is not known at the time to determine whether the impact would not be substantially adverse. If the impact is confirmed to be substantially adverse, it is determined to be a **Significant Impact**.

**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

Question	CEQA Determination
a) Have a substantial adverse effect on a scenic vista?	Less Than Significant Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Less Than Significant Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less Than Significant Impact



Question	CEQA Determination
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less Than Significant Impact

**Environmental Setting or Reference**

Aesthetics generally refers to visual resources and the quality of what can be seen, or overall visual perception of the environment, and may include such characteristics as building height and mass, development density and design, building condition (i.e., blight), ambient lighting and illumination, landscaping, and open space. Views refer to visual access and obstruction of prominent visual features, including both specific visual landmarks and panoramic vistas. Lighting issues address the effects of nighttime illumination and daytime glare on adjacent land uses. Scenic vistas can be impacted by development in two ways. First, a structure may be constructed that blocks the view of a vista. Second, the vista itself may be altered (i.e., development on a scenic hillside). Scenic views and vistas are generally available to a greater number of persons than are private views. Private views, in contrast, are those which are only available from vantage points located on private property. Unless specifically protected by an ordinance or other regulation, private views are not considered under CEQA. Therefore, impairment of private views is not considered to be a significant impact.

The project is located in the City of Williams adjacent to state Interstate 5 (I-5) to the northeast and not on a scenic highway. The City of Williams, including the project is situated on flat land making the mountains visible unless obstructed by building development or landscaping. City of Williams General Plan EIR states the following about implementation of the General Plan with regards to visual/ aesthetic resources:

*“Implementation of the General Plan would result in increased urban and suburban growth, which could alter the visual setting or character of the SOI. This would occur primarily at the City’s southern and eastern edges, which would not affect the westward views to the mountains. This additional development is unlikely to be perceived as a negative aesthetic impact in comparison to its current state.”*

Construction of the project would alter the existing visual character of the site. The proposed development would be new to the type and scale of the existing and proposed development near the project site. The area surrounding the project site is primarily vacant with some agricultural production and some partially developed properties with a petroleum distribution facility adjacent to the site and some surrounding improvements such as a bus storage/maintenance facility and a concrete plant to the northeast of the project site predominantly developed with highway commercial uses including hotels and fast-food restaurants.

## Evaluation of Potential Aesthetic Impacts

a) **Less Than Significant Impact.** Visual resources consist of two categories: scenic views and scenic resources. As per CEQA Checklist, scenic resources are described as specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. Scenic views are elements of the broader view shed such as mountain ranges, valleys, and ridgelines. A scenic vista refers to the view of an area that is visually or aesthetically pleasing. The General Plan EIR identifies the downtown area and established neighborhoods north, south, and west of downtown as unique visual features (City of Williams 2012). The project area is not located in close proximity to these unique visual features. The project is subject to design review in accordance with the City's Zoning Code to ensure that the development will be attractive, creative, and harmonious within it and with the surrounding existing uses.

b) **Less Than Significant Impact.** The Project is not located on a highway or route that is designated or eligible for designation as a scenic highway (Caltrans 2017). There are no improvements proposed that could result in the damage or degradation of existing features on or near the project site. Subsequent development of the resultant parcel is anticipated to be harmonious with the character of the surrounding area.

c) **Less Than Significant Impact.** While the visual characteristic of the Project area would change, the project will not result in a demonstrable negative effect to the existing visual character or quality of the Project area or its surroundings.

d) **Less Than Significant Impact.** The Project would include the installation of various illuminated and non-illuminated directional, and informational signage and significant exterior lighting on the site. Although the project would result in a sharp contrast of lighting in the area, since lighting in the area is limited to highway lighting, actual lighting impacts would be non-significant. As referenced in the photo-metric lighting plan, lighting would generally not exceed one footcandle at the project site property lines.

## II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Question	CEQA Determination
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Less Than Significant Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	No Impact

**Environmental Setting or Reference**

The Project is not on prime farmland or farmland of statewide importance. The California Department of Conservation, Division of Land Resource Protection’s 2010 map of Colusa County Important Farmland Data Availability shows the Project is located on unique farmland (CDOC 2017c). Unique Farmland is land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, that has been used for the production of specific high economic value crops at some time during the two update cycles prior to the mapping date. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods

California Public Resources Code Section 12220(g) defines “forest land” for the purposes of CEQA as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The project site is not considered “forest land”.

California Government Code Section 51104(g) defines “Timber,” “Timberland,” and “Timberland Production Zone” for the purposes of CEQA as either trees of any species



maintained for eventual harvest for forest production purposes (“Timber”); privately owned land, or land acquired for State Forest purposes, used for growing and harvesting timber (“Timberland”); or “Timberland Production Zone” which means an area zoned and used for growing and harvesting timber. The project site is not considered “Timber” or “Timberland”.

**Evaluation of Potential Agriculture and Forest Resource Impacts**

**a) *Less Than Significant Impact.*** The project area and lands immediately surrounding it are not classified as “Unique Farmland”. No land within or immediately adjacent to the Project is classified as Prime Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. Per CEQA Guidelines section 15093 the City Williams adopted a statement of overriding considerations (Resolution No. 12-14). The loss of the unique farmland in the current Project area was considered and addressed in the City General Plan update.

**b) *No Impact.*** The 2012 General Plan Figure 7.1 shows that no Williamson Act lands are in the Project area (City of Williams 2012). The Project occurs on lands within the City of Williams municipal boundary. The Project site is already designated and zoned for commercial development. No impact will occur and no mitigation is needed.

**c) *No Impact.*** No forest land, timberland, or timberland zoned Timberland Production occur in the Project area or the City of Williams. No impact will occur and no mitigation is needed.

**d) *No Impact.*** See response to item c above.

**e) *No Impact.*** The Project is not anticipated to involve other changes in the existing environment that could result in conversion of farmland or forest land. No impact will occur and no mitigation is needed.

**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

Question	CEQA Determination
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less Than Significant with Mitigation Incorporated
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less Than Significant with Mitigation Incorporated

Question	CEQA Determination
c) Expose sensitive receptors to substantial pollutant concentrations?	Less Than Significant with Mitigation Incorporated
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less Than Significant with Mitigation Incorporated

### **Environmental Setting or Reference**

Refer to the report Analysis of Impacts to Air Quality and Public Health from Proposed Gas Station and Convenience Store by Environmental Permitting Specialists, April 14, 2023 (Attachment A).

### **Evaluation of Potential Air Quality Impacts**

**a) *Less Than Significant Impact with Mitigation.*** Currently, the attainment status for various air quality standards for Colusa County is as follows:

Criteria Air Pollutant	California	Federal
Ozone (8-hour)		Unclassified/Attainment
Carbon Monoxide (1-hour and 8-hour)		Unclassified/Attainment
Nitrogen Dioxide (1-hour and annual)	Attainment	Unclassified/Attainment
Sulfur dioxide (1, 3, 24-hour and annual)	Attainment	Unclassified
PM-10 (24-hour and annual)	Non-Attainment (24-hour) Attainment (annual)	Unclassified
PM-2.5 (24-hour and annual)	Attainment	Unclassified/Attainment
Lead (30 day and quarterly)	Attainment	Unclassified/Attainment

Ref: CARB (2021). Information available at:

<https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations>

With the exception of the state's 24-hour PM-10 standard, Colusa County attains or is unclassified for all the air quality standards. As a result, neither the Colusa County Air Pollution Control District nor the California Air Resources Board has established any air quality plans. The principal sources of PM-10 emissions in the County are from agriculture and fugitive dust (wind-blown dust, paved and unpaved roads). These sources account for 88% of all the PM-10 emissions in Colusa County. These sources are exempt from CCAPCD rules and regulations. Therefore, there are no air quality attainment plans for the County for PM-10.

The City received an email from Casey Ryan, Air Pollution Standards Officer III, Colusa County Air Pollution District on January 27, 2023, indicating that the project includes an air impact assessment for the Ramos Oil facility that is existing and currently located adjacent to the project site. The definition of "A Project" appears in CEQA Guidelines Section 15378 (refer to Attachment F). Ray Kapahi, Environmental Permitting Specialists, and author of the project air quality assessment report responded to these comments as follows:

*“A project is any action that has the potential for a physical change in the environment. The physical change may be direct or reasonably foreseeable indirect physical change. Ramos Oil is a separate, existing operation unconnected to the Maverick gas station. So, it is puzzling why the APCD believes it needs to be included in the AQ analysis. It can be part of a cumulative impact evaluation, however the District did not ask for a cumulative impact study.”*

**b) Less Than Significant Impact with Mitigation.** With the exception of the state’s 24-hour PM-10 standard, Colusa County attains or is unclassified for all the air quality standards. Project level PM-10 emissions were calculated by Version 2020.4.0 of the California Emissions Estimator Model (CalEMod) and compared with thresholds of significance established by CCAPCD. A summary of these emissions are presented in Table 2. As shown in this Table, project level PM-10 emissions are well below levels considered significant.

Table 2 Summary of Project PM-10 Emissions(tons/year)	
Short-Term Construction Related Emissions	0.06
Long-Term Operational (Occupancy) Emissions	0.15
Threshold of Significance	25
Impacts Significant?	No

**c) Less Than Significant Impact with Mitigation.** Project emissions were calculated for the various criteria air pollutants and compared with thresholds of significance established by CCAPCD. These emissions are summarized below. Detailed calculations appear in the attached report.

Table 3 Summary of Annual Project Level Emissions				
Project Phase	ROG (tons/year)	NOx (tons/year)	PM-10 (tons/year)	PM-2.5 (tons/year)
Short-Term Construction	0.15	0.43	0.06	0.04
Long-Term Operational/Occupancy	.25	0.29	0.15	0.03

Threshold of Significance	25	25	25	25
Impact Significant?	No	No	No	No

The annual project level emission rates are a small fraction of the thresholds considered significant. Therefore, emissions from the construction and operational phases would not expose receptors to substantial pollutant concentration.

**d) Less Than Significant Impact with Mitigation.** During the construction phase, trace quantities of diesel exhaust would be released from the construction equipment such as graders and backhoes. Such emissions would be intermittent, and their impacts would be limited mostly to on-site areas.

Diesel particulate matter (DPM) is also regulated as a carcinogen and therefore, there is a potential for health impacts to nearby homes and businesses. Annual PM-10 emissions from construction equipment exhaust can be used as a surrogate for DPM. Annual average PM-10 from equipment exhaust is estimated to equal 0.01 tons/year (20 pounds/yr.) during the construction phase.

Chronic health impacts, such as cancer, typically occur from exposure over 30 or more years. Annual DPM emissions noted above would be limited to a maximum of 2 to 3 years primarily during the site preparation and grading phases. As a result, the brief duration of emissions and the relatively small quantity of DPM that would be released, exposure to DMP during the construction phase would not have significant risks to the public. There are no short-term (1-hour) standards for DPM. The project will not have any stationary sources of odors and/or long-term toxic air pollutants. Therefore, during the occupancy phase, the project would not be a source of odors or toxic air pollutants.

The project will not have any stationary sources of odors and/or long-term toxic air pollutants. Therefore, during the occupancy phase, the project would not be a source of odors or toxic air pollutants.

**Mitigation Measures**

**AIR-1. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Colusa County Air Pollution Control District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.**

**AIR 2: Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State, and local agency requirements.**

**AIR-3. During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site.**

**AIR-4. Grading permits shall be secured for any applicable activity from the Building Department. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for the life of the project.**

**AIR-5 Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate shall be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required by the City and/or the Colusa County Air Pollution Control District should the developer fail to maintain adequate dust controls.**

**AIR-6. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations.**

**BIOLOGICAL RESOURCES**

Would the project:

Question	CEQA Determination
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?	Less Than Significant Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less Than Significant Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less Than Significant Impact

Question	CEQA Determination
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Less Than Significant with Mitigation Incorporated
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less Than Significant Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

**Environmental Setting or Reference**

A Biological Resources Assessment for the property was prepared by Greg Matuzak Environmental Consulting, LLC in April 2022 (Report dated August 2022) (Attachment B). During a field assessment conducted in April 2022, plants and animals observed on the site were listed, habitat types were identified, and the potential for the site to support special-status species known from the region was assessed. The site was also evaluated for areas that may qualify as waters of the U.S.

**Habitat Communities**

No special-status plants were documented within the Project area during the site visit and survey conducted as part of the development of this Biological Report. Therefore, the Project area does not contain any special status plant species listed by CNPS based on the results of the April 2022 surveys of the Project area. The Project area does not provide suitable habitat for any of the special-status wildlife species that have the potential to occur regionally and within 3 miles of the Project area. Given there is a lack of seasonal wetland and vernal pool habitat within the Project area, vernal pool listed species and California tiger salamander would not occur within the Project area. Additionally, the lack of aquatic habitat within the Project area would preclude the presence of California red-legged frog and special-status fish species.

**Wildlife Occurrence and Use**

No special-status wildlife species were documented within the Project area during the site visit and survey conducted as part of the development of this Biological Report. Additionally, the Project area does not provide suitable habitat for any of the special-status wildlife species that have the potential to occur regionally and within 3 miles of the Project area.

The Project area contains some small to medium sized trees adjacent to the proposed areas of disturbance within the Project area and many of those trees contain suitable

habitat for nesting raptors and other protected bird species. In addition, the Project area also includes grasslands that provide suitable nesting habitat for other protected bird species. The breeding season for raptors and other protected bird species in the vicinity of the Project area is generally from March 1 to August 31 but varies depending on the species and localized weather patterns.

### **Evaluation of Potential Biological Resources**

**a) *Less than Significant Impact.*** Special-status plant surveys were conducted in April 2022, which is within the blooming period for each of the special-status plant species with potential to occur within the project area. No special-status plants were documented within the project area during the site visit and survey conducted as part of the development of this Biological Report. Therefore, the project area does not contain any special status plant species listed by CNPS based on the results of the April 2022 surveys of the project area. Therefore, no additional special-status plant surveys are required prior to the implementation of future ground disturbing activities within the project area. The project would have no impact on any CNPS special-status plant species, and no mitigation is required.

**b) *Less than Significant Impact.*** According to the Biological Assessment prepared by Greg Matuzak Environmental Consulting LLC in August 2021, the project will not have a substantial adverse effect on any riparian habitat and/or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

**c) *Less than Significant Impact.*** According to the Biological Assessment prepared by Greg Matuzak Environmental Consulting LLC in August 2021, the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The north driveway will bridge over the irrigation ditch with the bridge abutments to be located outside of the top of the irrigation ditch banks and will not divert or obstruct the natural flow of, or change or use any material from the bed, channel, or bank of the irrigation ditch, or dispose debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into the irrigation ditch.

**d) *Less than Significant Impact with Mitigation.*** According to the Biological Assessment prepared by Greg Matuzak Environmental Consulting LLC in August 2021, the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Implementation of Mitigation Measure BIO-1

**e) *No Impact.*** The Project is consistent with local policies or ordinances protecting biological resources. No impact will occur and no mitigation is needed.

**f) No Impact.** The project is not located in an area covered under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact will occur and no mitigation is needed.

**Mitigation Measures**

**BIO-1** If construction activities take place during the typical bird breeding/nesting season (typically February 15 through September 1), pre-construction nesting bird surveys at the project site shall be conducted by a qualified biologist on the project site and within a 500-foot radius of proposed construction areas, where access is available, no more than three (3) days prior to the initiation of construction. The Survey shall include nesting raptors and other protected bird species identified by the California Department of Fish and Wildlife Services. Construction or disturbance activities during the breeding season could disturb or remove occupied nests of raptors and/or protected bird species and would require the implementation of a pre-construction survey within and adjacent to any proposed disturbance area within the Project area for nesting raptors and other protected bird species within fourteen (14) days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat but would be a minimum of 500 feet from any area of disturbance.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests should not be removed or disturbed and a no-disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

**CULTURAL RESOURCES**

Would the project:

Question	CEQA Determination
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	Less Than Significant with Mitigation Incorporated



Question	CEQA Determination
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Less Than Significant with Mitigation Incorporated
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	Less Than Significant with Mitigation Incorporated

**Environmental Setting or Reference**

This section evaluates the proposed Project’s potential impacts on archaeological, historical, and paleontological resources. Resources of concern include, but are not limited to, prehistoric and historic artifacts, burials, sites of religious or cultural significance to Native American groups, and historic structures. This section provides a detailed discussion of impacts potentially attributable to the proposed project, and criteria used to determine impact significance to cultural resources. A report, Cultural Resource Investigation of the Proposed Maverick Convenience Store and Fuel Station Project, City of Williams, Colusa County, was prepared by Sub-Terra Resource Investigations, Gregory White, Principal Investigator, September 2022, was prepared for this project site (Attachment C).

**Evaluation of Potential Cultural Resource Impacts**

**a) *Less Than Significant Impact with Mitigation.*** An intensive pedestrian survey and records searches were conducted for the project site in September 2022, no historic resources were discovered in the Project area. As a result, no eligible built environment resources occur in the Project area. Therefore, no impact will occur and no mitigation is needed.

**b) *Less Than Significant Impact with Mitigation.*** See discussion under item a above.

**c) *Less Than Significant with Mitigation.*** As indicated in the Historic Resource Investigation report prepared for the project, no human remains were identified within the project area (Sub-Terra Heritage Resource Investigations, 2023). There is the possibility of accidental discoveries of human remains during construction-related ground-disturbing activities. The procedures identified in State Health and Safety Code Section 7050.5 will reduce potential impact. State Health and Safety Code Section 7050.5 requires that if human remains are found no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. Implementation and adherence to CUL-1 and TRI-1 through TRI-3 will reduce potential impacts to less than significant.

**Mitigation Measures**

**CUL-1. If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Colusa County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Colusa County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s).” The City shall engage in consultations with the most likely descendant, who will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.**

**Also, refer to Section XVIII, Tribal Resource Mitigation Measures TRI-1 through TRI-3 with address both cultural and tribal resource mitigation.**

**ENERGY**

Would the project:

Question	CEQA Determination
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less Than Significant Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less Than Significant Impact

**Environmental Setting or Reference**

Buildings in California are required to comply with California’s Energy Efficiency Standards for Residential and Nonresidential Buildings established by CEC regarding energy conservation standards and found in Title 24, Part 6 of the California Code of Regulations. Energy efficient buildings require less electricity.

**Evaluation of Potential**

**a) Less Than Significant Impact.** The project proposes a 5,982 square foot commercial building with related improvements on a currently undeveloped site. During construction there would be a temporary consumption of energy resources for the movement of equipment and materials. The construction and operation of the project would be required by State law to comply with the California Green Building Standards Code (commonly known as “CALGreen”). Compliance with local, state, and federal regulations, which limit engine idling times and require recycling construction debris, would reduce short-term

energy demand during the project’s construction to the extent feasible and project construction would not result in a wasteful or inefficient use of energy. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities or use of equipment that would not conform to current emissions standards and related fuel efficiencies. Furthermore, individual project elements are required to be consistent with City policies and emissions reductions strategies and would not consume energy resources in a wasteful or inefficient manner.

**b) *Less Than Significant Impact.*** The proposed commercial fueling station project would not conflict with or obstruct an energy plan. The proposed project would adhere to all Federal, State, and local agency requirements.

**GEOLOGY AND SOILS**

Would the project:

Question	CEQA Determination
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:  i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Less Than Significant Impact
ii) Strong seismic ground shaking?	Less Than Significant Impact
iii) Seismic-related ground failure, including liquefaction?	Less Than Significant Impact
iv) Landslides?	Less Than Significant Impact
b) Result in substantial soil erosion or the loss of topsoil?	Less Than Significant with Mitigation Incorporated
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less Than Significant with Mitigation Incorporated

Question	CEQA Determination
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less Than Significant with Mitigation Incorporated
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less Than Significant with Mitigation Incorporated

**Environmental Setting or Reference**

The City of Williams lies in the Central Valley and is described as Quaternary sedimentary deposits of igneous and metamorphic rocks. These deposits are within a historic alluvial floodplain of the Sacramento River and various other channels. The Quaternary alluvial deposits of the Central Valley occupy the eastern one-half of Colusa County.

Based on the project’s preliminary grading plan about 980 cubic yards of soil would be cut and over 69,000 cubic yards would be imported onto the site to raise the site up for property drainage. No information was submitted with this project application regarding the geologic characteristics of the project site. Although Section 16.16.100 of the Municipal Code requires submittal of a preliminary soils report as part of the tentative map, the City Engineering has indicated that that requirement may be deferred to the final map since similar development has occurred in the neighborhood without any significant issues. Imported soil will need to be evaluated for compaction and capacity to accommodate the project development.

**Regional Geology:** The Project site is located in the Great Valley geomorphic province. The Great Valley is a geomorphic province in an alluvial plain about 50 miles wide and 450 miles long in the central part of California. It is composed of the Sacramento Valley in the north and the San Joaquin Valley in the south. The Great Valley is a trough in which sediments have been deposited almost continuously since the Jurassic Period (about 160 million years ago) (CGS 2002). Recent alluvial deposits generally consist of poorly sorted silts, fine sands, and clays with less extensive lenses of median to coarse grained sands and gravel.

The Project site is underlain by quaternary basin deposits (alluvium) as shown on the 2010 Geologic Map of California (CDOC 2017). The geologic legend for the map indicates that the basin deposits are primarily from the Holocene Epoch (i.e., less than approximately 10,000 years old). The Colusa County Groundwater Management Plan provides a simplified geologic cross-section of Colusa County (Colusa County 2008). The geologic cross-section extends from the Coast Range in the west to the Sutter Buttes in

the east. Based on the geologic cross-section and the simplified surface geology and faults map in the Colusa County Groundwater Management Plan, the Project area is underlain by recent alluvial deposits that are less than 10,000 years old and range in depth from 0-200 feet. The geologic cross-section indicates that the Project (located adjacent to Interstate 5) is within an area where the recent alluvial deposits are at the deeper end of the range. The Tehama formation is located beneath the recent alluvial deposits and extends to a depth of approximately 1,000 ft.

**Seismicity:** Seismicity is defined as the geographic and historical distribution of earthquake activity. Seismic activity may result in geologic and seismic hazards including seismically induced fault displacement and rupture, ground shaking, liquefaction, lateral spreading, landslides and avalanches, and structural hazards.

The City of Williams is not included in the Alquist-Priolo Earthquake Fault Zone mapping program (CDOC 2017b). No active faults are known to exist in the City of Williams or Colusa County (City of Williams 2012a). The nearest potentially active known faults (showing evidence of surface displacement during Quaternary time, the last 1.6 million years) are at the Sutter Buttes, located approximately 13 mileseast of the Project area; the Bartlett Springs fault, which is located in the Coast Ranges of northern California, about 25 miles northwest of Williams, and the recently mapped northern section of the Hunting Creek fault, which is located approximately 20 miles west of Williams (Leinkaemper, 2012).

While there are no active faults near the City of Williams or in Colusa County, the northern Sacramento Valley can expect regular low-intensity shocks from time to time. However, according to the State Division of Mines and Geology, the possibility of a major earthquake cannot be ruled out. Other seismic and geologic considerations include landslides, subsidence, expansive soils, erosion, and volcanic eruptions, which have varying degrees of risk for Williams.

The faults that are in the Valley are what are referred to as quaternary, meaning they were active 200,000 years ago, or even pre-quaternary (active two million years ago). Much of the earthquake preparedness efforts conducted in the area to date have considered earthquakes that occur outside of Colusa County. The nearest known fault is at the Sutter Buttes for which the maximum credible earthquake could measure a magnitude of 5.7 on the Richter scale. Ground shaking from this level of earthquake would be felt and observed as to its cause. The damage would be moderate to major, with general damage to foundations, partial to complete collapse of unreinforced masonry structures, partial damage to reinforced masonry structures, and underground pipes broken. Therefore, the City of Williams takes into account and has preparedness plans to address the risks posed by seismic activity.

Since 1931, there have been a total of 191 earthquakes in the Williams area. The USGS database indicates that there is a 72.94% chance of a major earthquake within 30 miles of Williams, CA, within the next 50 years. The largest earthquake, with a 5.2 Magnitude on the Richter scale, within 30 miles of Williams occurred in 1975.

**Soils:** The City is built on an alluvial floodplain formed from sedimentary igneous and metamorphic rocks deposited by the Sacramento River and various channels (City of Williams 2012a). The soil is primarily characterized by finely textured, clay soils with slow water infiltration and transmission rates. Rice production is common in these poor drainage conditions and is a major agricultural crop for the area. In the past, the proposed project area location was used for rice cultivation.

The soils have been assigned to Group D hydrologic group, or high runoff potential soils, that have a high clay content, high swelling potential, soils with a permanent high-water table, soils with a clay pan or clay layer at or near the surface, and shallow soils over nearly impervious material. These attributes partly explain the region's agricultural practices.

Soils in the Project area consist of Willows silty clay. The Willows series is a very deep, poorly drained soil that formed from fine-textured alluvium derived from mixed rock sources. Willows silty clay is identified as having soil strength and shrink-swell limitations that can adversely affect local road construction (NRCS 2006). At varying depths, ponding, wetness, slope, and shrink-swell potential is possible for small commercial buildings (NRCS 2006).

### **Evaluation of Potential Geology & Soils Impacts**

***a-i) Less Than Significant Impact.*** Based on the 2010 Fault Activity Map of California prepared by the Department of Mines and Geology, the nearest faults are the Willows Fault Zone, Bartlett Springs Fault, and San Andreas Fault located 12 miles east, 25 miles west, and 60 miles west, respectively. The Willows Fault Zone is a Pre-Quaternary fault (i.e., no visible signs of movement within 1.6 million years). The Bartlett Springs Fault shows geomorphic evidence of historic creep as well as fault rupture undifferentiated during the Quaternary time. The San Andres Fault ruptured historically in 1838, 1906, and 1989.

According to the 2008 Ground Motion Interpolator from the California Division of Mines and Geology, there is a 10 percent probability that the site will experience a horizontal ground acceleration of 0.272g in the next 50 years. This is a relatively low level of ground shaking for California. In the absence of any on-site active faults, no impact related to fault rupture would occur on the project site and no mitigation is required.

***a-ii) Less Than Significant Impact with Mitigation.*** The project area in the Northern Central Valley is not located in a seismically active area and, therefore, would not be subject to ground shaking resulting from seismic activity on regional faults. Although there are faults located within 40 miles of the project area, ground shaking from earthquakes associated with these faults is not expected to routinely occur during the lifetime of the project.

***a-iii) Less Than Significant Impact with Mitigation.*** The proposed Project site is located within Seismic Zone 2 as originally defined by the Uniform Building Code (UBC). The project site is not located in an area that has a high and or very high risk of liquefaction. Furthermore, Chapter 4 of the City's General Plan, Public Services, Safety

Element indicates that the project site is not located in an area susceptible to landslides and slope instability. No steep topographical features are located on site.

The proposed Project does not include any activity known to cause damage by subsidence (e.g., fracking of oil, gas, or groundwater extraction). Settlement generally occurs within areas of loose, granular soils with relatively low density. The proposed project site is underlain by relatively dense alluvial material and sedimentary bedrock, so the potential for seismic settlement is considered low. Because the proposed project site does not exhibit characteristics of a high potential for subsidence or settlement, impacts are considered less than significant and no mitigation is required.

**a-iv) Less Than Significant Impact with Mitigation.** Landslides and other forms of mass wasting, including mud flows, debris flows, soil slips, and rock falls occur as soil or rock moves down slope under the influence of gravity. Landslides are frequently triggered by intense rainfall or seismic shaking. Because the site is relatively flat and is not in close proximity to a susceptible hillside, the risk of landslide, mud flow, or other mass wasting affecting the site is considered low. Additionally, Chapter 4 of the City's General Plan, Public Services, Safety Element indicates that the project site is not located in an area susceptible to landslides and slope instability. No steep topographical features are located on site.

In addition, the project will not manufacture any slopes that would create risks associated with landslides. No impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides are anticipated and no mitigation is required.

**b) Less Than Significant Impact with Mitigation.** Prior to the issuance of grading permits, the Project proponent would be required to prepare and submit detailed grading plans for the project site. These plans must be prepared in conformance with applicable standards of the City's Grading Ordinance.

Development of the site would involve the disturbance of more than one acre; therefore, the proposed project is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. Development projects in the City require preparation of a Storm Water Pollution Prevention Plan (SWPPP) to address short-term erosion and discharge impacts associated with the proposed onsite grading.

Development projects are required to prepare and submit to the City a project-specific Water Quality Management Plan (WQMP) to identify long-term operational measures to treat and/or limit the entry of contaminants into the storm drain system. The WQMP is required to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan.

The Project will adhere to the City's Grading Ordinance, obtain an NPDES Permit, prepare an SWPPP and a WQMP, construction and operational impacts associated with



soil erosion hazards are less than significant.

**c) *Less than Significant with Mitigation.*** Groundwater and soils characteristics of the site could result in on-site soil instability. Implementation of GEO-1 will reduce potential impact to less than significant.

**d) *Potentially Significant Unless Mitigation Incorporated.*** Soils in the Project area may or may not be expansive and have the potential to create a substantial risk to property. Implementation of mitigation measure GEO-1 will reduce potential impacts to less than significant.

**e) *No Impact.*** The proposed project will include the construction of a commercial structure with an on-site septic system to address sewerage. This disposal system will require separate permitting and approval by the City of Williams. No impacts would occur and no mitigation is required.

**f) *Less than Significant with Mitigation.*** Disturbance of unique paleontological resources or geologic features is not anticipated. Mitigation measures are in place to assure that in the event any artifacts are found. Potential impacts have been reduced to less than significant with the incorporation of **Mitigation Measure CUL-1**.

### **Mitigation Measure**

***GEO-1. Prior to grading permit approval, a preliminary soils report for the site with all imported soil and details on the soils ability to accommodate this development shall be submitted for review and approval by the City Engineer. Any recommended measures to avoid geologic impacts shall be incorporated into the project.***

## **GREENHOUSE GAS EMISSIONS**

Would the project:

<b>Question</b>	<b>CEQA Determination</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less Than Significant Impact

### **Environmental Setting or Reference**

The Project is located within the City of Williams in Colusa County, within the Sacramento Valley AirBasin (Air Basin). The Coast, Cascade, and Sierra Nevada Ranges bound the Air Basin on the west, north, and east. The Air Basin consists of all or portions of Shasta, Tehama, Glenn, Colusa, Yolo, EastSolano, Sacramento, Placer, Sutter, Yuba, and Butte Counties. Air quality within the Colusa County portion of the Sacramento Valley Air Basin is regulated by the Colusa County Air Pollution Control District (CCAPCD).

### **Evaluation of Potential Greenhouse Gas Emissions**

**a) *Less than Significant.*** The annual emissions of GHG emissions is summarized in Table 4 below for the construction and operational phases. The annual GHG for the construction and operational phases is estimated to be 302.95 metric tons/year and 2,876.78 metric tons/yr. respectively. Detailed calculations are provided in the attached report.

**Table 4 Summary of Annual GHG Emissions for CY2022  
(in Metric tons/year)**

<b>Phase</b>	<b>Total CO<sub>2</sub>(e)</b>
<b>Construction</b>	74.11
<b>Operational</b>	247.0

The results of the current analysis for criteria air pollutants are compared with mass emission thresholds established by CCAPCDD. The significance of project impacts for the construction and operational phases is summarized in Table 5-1.

The City of Williams has not formally established any thresholds of significance for GHG emissions. Instead, the City has relied on thresholds used to identify significant sources of GHG emissions in the State's Cap and Trade program [Title 17, Section 95812(c)(1)]. This threshold is set at 25,000 metric tons per year.

California Air Resources Board (CARB) acknowledged that the 25,000 MT/yr. threshold is used for the mandatory reporting for the Cap and Trade program and not established as a CEQA threshold for GHG emissions. However, the California Air Pollution Control Officers Association (CAPCOA) identified 25,000 MT/yr. as a threshold in their January 2008 report “*CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Air Quality Act*”

The issue of threshold of significance has also been reviewed by the Environmental Protection Agency (EPA). The EPA analyzed several thresholds for reporting and rejected lower thresholds of 1,000 and 10,000 MT/yr. finding that these thresholds would greatly increase the number of covered entities without capturing a significant portion of GHG emissions (EPA 2009). The 25,000 MT/yr. threshold would capture 94% of GHG emissions from stationary sources in California (CAPCOA 2008, Page 44).

Given the volume of research and resources that have been expended to develop the CARB reporting and the Cap and Trade regulations and the Federal (EPA) GHG reporting rule, the City of Williams has determined that the 25,000 MT/yr. threshold is an appropriate threshold of significance to the proposed project.

**b) Less than Significant.** Colusa County APCD has not developed or adopted any plan, policy or regulation aimed at controlling GHG emissions. As a result, the applicable plan (by default) is the state’s AB-32 which regulated the state’s GHG emissions. AB-32 has established a ceiling (“cap”) of emissions from the state and has set a goal of reducing GHG emissions to below 80% of the 1990 levels by 2050.

The state’s program relies on setting standards for cars and trucks, clean fuels program, energy efficiency from stationary sources. The current project is subject to and would comply with all these requirements mandated by the state.

**HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

Question	CEQA Determination
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less Than Significant Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less Than Significant Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact

Question	CEQA Determination
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Less Than Significant Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Less Than Significant Impact

**Environmental Setting or Reference**

The project is on vacant property intended for commercial development per the City of Williams General Plan. The site is vacant and surrounded by other commercial designated lands. There is nothing unique to this property that would indicate that future commercial development would result in adverse hazardous outcomes.

**Evaluation of Potential Hazards & Hazardous Materials Impacts**

**a, b) *Less Than Significant*** The use of hazardous substances during normal construction activities is expected to be limited in nature, and would be subject to standard handling and storage requirements. Accordingly, impacts related to the release of hazardous substances are considered less than significant.

**c) *No Impact*** No existing or proposed schools occur within 0.25 mile of the project site. No impact will occur and no mitigation is needed. Handling and storage of hazardous materials during construction would comply with all applicable local, state, and federal standards.

**d) *No Impact.*** The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment. Therefore, there is no impact.

**e) *Less Than Significant Impact with Mitigation.*** Williams is not located within the boundaries of an airport land use plan or within two miles of a public airport. The Williams

Soaring Center is a small private glider airport located immediately east of Husted Road north of its intersection with E Street approximately 1.5 miles from the project site. There is a less than significant impact.

**g) Less Than Significant.** Williams is surrounded by cultivated farmland, used primarily for growing rice. The threat of wildland fires is considered to be minimal.

**HYDROLOGY AND WATER QUALITY**

Would the project:

Question	CEQA Determination
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less Than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	Less Than Significant Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:  (i) result in substantial erosion or siltation on- or off-site;	Less Than Significant with Mitigation Incorporated
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Less Than Significant with Mitigation Incorporated
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Less Than Significant with Mitigation Incorporated
(iv) impede or redirect flood flows?	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less Than Significant with Mitigation Incorporated



### **Environmental Setting or Reference**

The City of Williams extends from both sides of Interstate 5 in Colusa County. The City generally slopes from southwest to northeast with a very flat to relatively flat gradient that averages in the range of about 0.05 % to 0.5%. Land elevations range from about 110 feet above mean sea level (msl) to about 60 feet above msl. The City is located in the 1,850 square mile Sacramento-Stone Corral (18020104) watershed. The City's SDMP divides the City into seven local watersheds and 115 sub-basins ranging in size from 5.5 acres to 293 acres (City of Williams 2007). The project is located between 92 and 94 feet above msl.

### **Evaluation of Potential Hydrology & Water Quality Impacts**

**a) *Less Than Significant Impact.*** The project will be designed to be consistent with the applicable portions of the City of Williams Municipal Code Chapter 13.05 - *Storm Water and Urban Runoff Pollution Control* including:

- 13.05.060 - Best management practices.
- 13.05.070 - Construction storm water measures.

Coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) will be obtained. The City will require the contractor to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce or minimize discharge of pollutants from construction activities. Implementation of water quality BMPs as well as adherence to the Project NPDES Construction General Permit conditions will protect the water quality during construction and operation of the proposed Project. Project impacts are less than significant and no mitigation is needed.

***Less Than Significant Impact.*** The City system includes a 100,000 gallon elevated water storage tank, together with three active and two standby groundwater wells. The wells draw ground water from depths ranging from 120 feet to as deep as 500 feet. The source of groundwater is recharged from the hills to the west and local irrigation of crops with surface water. Because of the distances between Williams and other communities in Colusa County, future increases in water supply pumping will not impede the availability of water supplies for other systems.

***c-i) Less Than Significant Impact.*** Development of the project (retail store, fuel pumps and pavement) would alter the amount of existing impervious surface area and the amount of generated runoff but not in a manner that would cause significant erosion impact.

***c-ii) Less Than Significant Impact with Mitigation.*** Implementation of the project would minimally alter the existing drainage patterns on the Site by adding an impermeable surface to portions of the Project Site. Impervious surfaces will allow stormwater to move more quickly through the Project Site, increasing the rate of runoff. However, the project includes a detention area to contain stormwater on site. As part of the NPDES permit required, calculations for stormwater runoff will be required to demonstrate non-significant

impacts. Therefore, the project would have a less than significant impact on causing flooding on- or offsite.

**c-iii) *Less Than Significant Impact.*** Activities associated with operation of the project are not expected to generate substances that can degrade the quality of water runoff. While potential impacts could result from vehicles and other users at the project site during operation, all potential impacts to water quality would be reduced by stormwater pollution control measures and wastewater discharge BMPs required at the Project Site as a part of Project development and operation. Therefore, impacts during operation would be considered less than significant.

**c-iv) *No Impact.*** FEMA flood hazard maps (Map 06011C0519F) show that the Project Site is in unshaded Zone X. The Project Site is not located within a flood zone (see Figure 10, FEMA Map). Therefore, implementation of the project will not have an impact related to impeding or redirecting flood flows.

**d) *No Impact.*** The Project Site is not protected by levees from any flood hazard. There are no natural waterways on or near the Project Site. No large bodies of water exist near the project site. The Project Site is not located within a potential tsunami or seiche inundation area. Damage due to a seiche, a seismic-induced wave generated in a restricted body of water would not occur.

**e) *No Impact.*** These are not factors affecting existing or future development in the City of Williams. The Project site is not located near a coastal area or enclosed body of water of sufficient size to pose a risk of inundation by tsunami or seiche waves. The Project site is located on and surrounded by relatively flat ground and is not subject to mudflows. No impact will occur and no mitigation is needed.

### **Mitigation Measures**

**HYDRO-1.** The project design shall incorporate appropriate BMPs consistent with City, County and State storm water drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or all surface water.

**HYDRO-2.** This project is subject to compliance with the National Pollutant Discharge Elimination System (NPDES) requirements, as covered in the State of California General Permit for Storm Water Discharges Associated with Construction Activity. A Notice of Intent must be filed with the State Water Resources Control Board (SWRCB) prior to the onset of construction. A Storm

Figure 10-FEMA Flood Map



**FLOOD HAZARD INFORMATION**

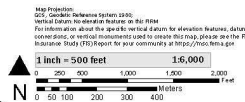
SEE FIRM REPORT FOR DETAILED LEGEND AND INDEX MAP FOR DRAFT FIRM PANEL LAYOUT

FEDERAL FLOOD HAZARD AREAS	Description
	Without Base Flood Elevation (BFE) Zone 1 or 2
	With BFE or Depth Zone A-C, X, Y, Z, AE, AH, VE, VE1
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of 100 acres or less (Zone X)
	Return Conditions in 1% Annual Chance Flood Hazard (Zone 1)
	Areas with Reduced Flood Risk due to Levee (Zone 1)
	Areas with Flood Risk due to Levee (Zone 1)
	NO SCREEN
	Area of Minor Flood Hazard (Zone X)
	Other Limits
	Area of Undetermined Flood Hazard (Zone 1)
	Channel, Culvert, or Ditch Inlet
	Levee, Dike, or Floodwall
	15.2 Deep Station with 1% Annual Chance
	Water Surface Elevation
	Ground Elevation
	Ground Elevation
	Profile Elevation
	Rating Station Feature
	Base Flood Elevation Line (BFE)
	Depth of Flood
	Antidetonation Boundary

**NOTES TO USERS**

The information on this map was prepared by FEMA in accordance with the National Flood Insurance Act of 1968 and the National Flood Insurance Reform Act of 2004. The information on this map was prepared by FEMA in accordance with the National Flood Insurance Act of 1968 and the National Flood Insurance Reform Act of 2004. The information on this map was prepared by FEMA in accordance with the National Flood Insurance Act of 1968 and the National Flood Insurance Reform Act of 2004. The information on this map was prepared by FEMA in accordance with the National Flood Insurance Act of 1968 and the National Flood Insurance Reform Act of 2004.

**SCALE**



NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP  
PANEL 519 of 875

COMMUNITY	NUMBER	PANEL
CITY OF WELLMAN	06004	0519
CELSUS COUNTY	06002	0519

MAP NUMBER  
06011C0519F  
EFFECTIVE DATE  
May 15, 2003

**Water Pollution Prevention Plan (SWPPP) Monitoring Program and Inspection Plan must be prepared and submitted to the City Engineer for approval, at the same time as the Improvement Plans for this project. The developer will solely be responsible for implementation of the SWPPP, Monitoring Program and Inspection Plan during construction.**

**LAND USE AND PLANNING**

Would the project:

Question	CEQA Determination
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

**Environmental Setting or Reference**

The 5.16-acre Site is within the Williams General Plan Commercial land use designation and identified for Commercial uses in the General Plan. The site is also consistently zoned C, Commercial which allows refueling stations by right as long as they are located next to Highway 5 and Old Highway 20, and they meet certain standards as follows:

1. Any auto repair or car wash facilities may not have open storage nor visible oil drainage pit.
2. There must be separation of 200 ft. to another fueling station/automobile service, or car wash.

The project is subject to Design Review in accordance with Table 17.05.240.2, Administrative Permits, which defers to the City Design Review Manual (Chapter 2, Design Review Process) interprets projects that exceed 2,000 square feet in size as significant; requires discretionary design review by the Planning Commission.

**Evaluation of Land Use and Planning Impacts**

- a) **No Impact.** The Project Site is located on the edge of the City limits and therefore would not divide an existing community. The project would be accommodated by existing roadways and would not require construction of new roadways that would preclude access to the surrounding area. The project would not physically divide an established community, and no impact would occur.
- b) **No Impact.** As explained above, the Project is consistent with the City of Williams General Plan land use designations. The project would rely on the General Plan policies and actions, especially those adopted to assist in the protection of the environment. The project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

No impact would occur.

## **MINERAL RESOURCES**

Would the project:

<b>Question</b>	<b>CEQA Determination</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact

### **Environmental Setting or Reference**

The State Mining and Geology Board (SMGB) prioritizes areas to be classified as containing significant mineral resources and areas to be designated as containing mineral deposits of regional or statewide significance. Mineral Resource Zone (MRZ) categories are used to identify areas of identified, undetermined, and unknown mineral resource significance. No MRZ designations have been applied to the City of Williams or Colusa County.

### **Evaluation of Potential Mineral Resource Impacts**

**a) No Impact.** The State Mining and Geology Board (SMGB) prioritizes areas to be classified as containing significant mineral resources and areas to be designated as containing mineral deposits of regional or statewide significance. Mineral Resource Zone (MRZ) categories are used to identify areas of identified, undetermined, and unknown mineral resource significance. No MRZ designations have been applied to the City of Williams or Colusa County.

**b) No Impact.** See response to item a) above.

## **NOISE**

Would the project result in:

<b>Question</b>	<b>CEQA Determination</b>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less Than Significant Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	Less Than Significant Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

### **Environmental Setting or Reference**

This section evaluates short-term and long-term potential noise impacts of the project on sensitive uses adjacent to the project site and addresses noise mitigation measures from the General Plan Noise Element. The City of Williams Noise Element States:

The need to mitigate noise impacts under State of California requirements is triggered by one of the following:

- New development proposed adjacent to a roadway that will be negatively impacted by the existing or future traffic noise.
- A new roadway proposed to cross through or along an existing development, where future traffic noise will negatively impact the development.
- Expansion of an existing roadway where projected traffic noise will negatively impact adjoining land uses.
- Establishment of a new land use that will negatively impact on existing use; or
- Establishment of a new land use the will be negatively impacted by the proximity of an existing noise producing use.

### **Evaluation of Potential Noise Impacts**

**a) *Less than Significant with Mitigation.*** Construction noise associated with the project would be temporary and would vary depending on the nature of the activities being



performed. Noise generated would primarily be associated with the operation of off-road equipment for onsite construction activities as well as construction vehicle traffic on area roadways. Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, building construction, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3-4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than 1 minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Typical maximum noise levels range up to 85 dBA L<sub>max</sub> at 50 feet during the noisiest construction phases. Site preparation, which includes excavation and grading, tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavators, bulldozers, backhoes, and front loaders. Earthmoving and compacting equipment includes graders.

During construction, which is planned to occur during daylight hours, Monday through Friday, noise from construction activities would contribute to the noise environment in the immediate project vicinity. However, there are no known noise sensitive uses in the immediate project vicinity so construction noise for this project should not be a particular concern, nor result in significant adverse noise impacts.

**b) Less Than Significant Impact.** Excessive groundborne vibration impacts result from continuously occurring vibration levels. Increases in groundborne vibration levels attributable to the project would be primarily associated with short-term construction-related activities. Construction on the project Site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. Construction-related ground vibration is normally associated with impact equipment such as pile drivers, jackhammers, and the operation of some heavy-duty construction equipment, such as dozers and trucks. It is not anticipated that pile drivers would be necessary during project construction. Vibration decreases rapidly with distance and it is acknowledged that construction activities would occur throughout the project. However, there are no known noise sensitive uses in the immediate project vicinity so groundborne vibration or groundborne noise levels from construction noise for this project should not be a particular concern, nor result in significant adverse noise impacts.

**c) No Impact.** The Williams Soaring Center is a small private glider airport located east of Husted Road north of its intersection with E Street, approximately 1.5 miles north of the project site. No other private or public airports or public use airports occur in the City of Williams or the surrounding area. The soaring center has a 2,300 foot paved runway that parallels Husted Road. The private use glider port is identified by the Federal Aviation Administration as 'CN12'. The glider port does not have air traffic control. Use of the private glider port is not an activity expected to generate excessive noise levels for patrons or people working at the project. There is no impact.

**POPULATION AND HOUSING**

Would the project:

Question	CEQA Determination
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Less Than Significant Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

**Environmental Setting or Reference**

The project is the construction of a new Maverick fueling facility with 5,982 sq. ft. convenience mart on approximately 5.16 acres on currently vacant commercially zoned land.

**Evaluation of Potential Population and Housing Impacts**

**a) *Less Than Significant Impact.*** The project is the construction of a new Maverick fueling facility with convenience mart. The project will not remove or construct any residential housing. However, the project may use labor for construction and operation that could increase the need for housing. However, the project is not large enough to significantly impact housing demand for the area. The project is not growth inducing.

**b) *No Impact.*** The project does not remove or construct any housing or include activities that could lead to the displacement of existing housing.

**PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

Question	CEQA Determination
a) Fire protection?	Less Than Significant Impact

Question	CEQA Determination
b) Police protection?	Less Than Significant Impact
c) Schools?	No Impact
d) Parks?	No Impact
e) Other public facilities?	Less Than Significant Impact

**Environmental Setting or Reference**

The Public Safety and Circulation Elements of the City of Williams General Plan defines the policies related to public services. The City of Williams cooperates with the Williams Rural Fire Protection District to provide joint fire protection services through the Williams Fire Protection Authority (WFPA). Police protection services within the City of Williams are handled by the City’s Police Department.

The Williams Unified School District (WUSD) Facilities Needs Study and Master Plan was developed in 2007. The existing 52-acre school complex in Williams houses all of the City’s public schools.

The City Parks and Recreation Department oversees a system of five parks, a municipal pool, and the Sacramento Valley Museum. City facilities accommodate a wide range of activities, including softball, soccer, volleyball, and basketball.

The project is also subject to payment of development impact fees that should mitigate impacts to City services, such as Police, Fire and Traffic control.

**Evaluation of Potential Public Services Impacts**

**a) *Less Than Significant Impact.*** The project does not propose any new fire protection facilities. The project is not expected to result in any significant additional demand for fire protection services as provided by the Williams Fire Protection Authority (WFPA). This development will contribute to the City’s development impact fee program that will off-set fire safety facility impacts to a level of non-significance.

**b) *Less Than Significant Impact.*** Police protection services within the City of Williams are handled by the City’s Police Department. Development of the project may incrementally increase the demand for police protection services. The project itself would not require the construction of new or physically altered law enforcement protection facilities, the construction of which could result in an environmental impact. This development will contribute to the City’s development impact fee program that will off-set police facility impacts to a level of non-significance.

**c) *No Impact.*** The Williams Unified School District (WUSD) Facilities Needs Study and

Master Plan was developed in 2007. The existing 52-acre school complex in Williams is located approximately one air mile west of the project site and houses all of the City's public schools. The project is not expected to result in any significant additional demand for school facilities.

**d) No Impact.** The City Parks and Recreation Department oversees a system of five parks, a municipal pool, and the Sacramento Valley Museum. City facilities accommodate a wide range of activities, including softball, soccer, volleyball, and basketball. Development payment of development impact fees will also help off-set any impacts to these services.

**e) Less Than Significant Impact.** The project is also subject to payment of **development impact fees** to off-set the impact on other facilities, such as City Administrative facilities, which should mitigate impacts to City services to a level of non-significance.

**RECREATION**

Question	CEQA Determination
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

**Environmental Setting or Reference**

The City Parks and Recreation Department oversees a system of five parks, a municipal pool, and the Sacramento Valley Museum. City facilities accommodate a wide range of activities, including softball, soccer, volleyball, and basketball. The project is not near parks or other recreational facilities.

**Evaluation of Potential Recreation Impacts**

**a) No Impact.** The project does not include recreational amenities or parkland. Because the project does not include the construction of any housing, and because any new employment opportunities created would likely be filled by current residents of the community, there would be no significant increase in population associated with the project. In the absence of a significant increase in population, the project would not cause an increase in the use of existing or need for new neighborhood or regional parks or other

recreational facilities in the area. Therefore, no impacts to recreational facilities will occur with implementation of the project and no mitigation is needed.

**b) No Impact.** See response to item a) above.

**TRANSPORTATION**

Would the project:

Question	CEQA Determination
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less Than Significant Impact
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Less Than Significant Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less Than Significant Impact
d) Result in inadequate emergency access?	No Impact

**Environmental Setting or Reference**

W-Trans evaluated potential impacts to transportation and traffic in the ‘Traffic Impact Study (TIS) for the Maverick Gas Station Project (Study), June 16, 2023 (see Attachment D, Traffic Impact Analysis).

As noted in the TIS, the project would be expected to generate a total of 7,676 daily trips, including 546 trips during the a.m. peak hour and 472 trips during the p.m. peak hour. Many of the trips associated with these highway commercial uses will be drawn from the stream of traffic passing the project site on I-5, but a share of the project’s automobile traffic may originate in Williams.

**Evaluation of Potential Transportation Impacts**

**a) Less than Significant Impact.** The project is not expected to significantly conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The traffic study indicates that the project should be designed and improved consistent with the General Plan and other policies and regulations.

**b) Less than Significant Impact.** SB 743 was signed into law in 2013, with the intent to better align CEQA practices with statewide sustainability goals related to efficient land

use, greater multimodal choices, and greenhouse gas reductions. The provisions of SB 743 became effective statewide on July 1, 2020. Under SB 743, impacts will be determined by changes to VMT. VMT measures the number and length of vehicle trips made on a daily basis. VMT is a useful indicator of overall land use and transportation efficiency, where the most efficient system is one that minimizes VMT by encouraging shorter vehicle trip lengths, more walking and biking, or increased carpooling and transit.

Because of SB 743, for a CEQA analysis, determining the potential for exceeding a city's LOS thresholds transportation/traffic impacts is no longer valid and VMT thresholds are used instead. However, the City of Williams has not yet established VMT thresholds. In order to assist in this type of circumstance, in December 2018, the California Governor's Office of Planning and Research (OPR) released its final Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). Generally, the OPR recommends that a reduction of 15 percent or more in existing VMT should be the target. Following is a summary of OPR's recommended VMT impact thresholds and methodologies for land use projects:

- The extent to which the project's VMT impacts can be presumed to be less than significant has been determined based on review of the OPR directive's screening criteria and general guidance.
- The OPR Small Project criteria is not applicable to this project. The project is projected to generate 2,283 primary daily vehicle trips. As the 110 ADT threshold for automobile trips is exceeded, the project's VMT impacts cannot be presumed to be less than significant.
- The project is not an Affordable Housing Project, and this OPR screening criteria does not apply.

Retail Projects. OPR provides the following direction.

- Generally, lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically reroute travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

The OPR also provides guidance regarding Screening Thresholds that would allow agencies to quickly identify when a project should be expected to cause a less-than significant impact without conducting a detailed study. The OPR states:

“By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than-significant.



Many cities and counties define local-serving and regional-serving retail in their zoning codes. Lead agencies may refer to those local definitions when available, but should also consider any project-specific information, such as market studies or economic impacts analyses that might bear on customers' travel behavior. Because lead agencies will best understand their own communities and the likely travel behaviors of future project users, they are likely in the best position to decide when a project will likely be local-serving. Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT."

The Maverik Store will attract customers residing in Williams, but its primary customer base will be travelers already on I-5. The project will provide fuel, convenience items and food service to travelers who simply drive off of and back to nearby I-5 to reach the project. The project's impact on regional VMT would not be significant.

This conclusion is consistent with the OPR presumption that the VMT effects of locally serving retail uses of 50,000 square feet or less may be considered to be less than significant. The Maverik Fuel Station and Convenience Store's impact on regional VMT can be presumed to be less than significant under the OPR Locally Serving Retail criteria.

Williams has not identified Low VMT-generating areas of the community, and the project's VMT impact cannot be presumed to be less than significant under these criteria.

**c) *Less than Significant Impact.*** The project would not substantially increase hazards to vehicle safety due to increased traffic at locations with geometric design features (e.g., sharp curves or dangerous intersections). Regular Project Site traffic and vehicles visiting the Project Site during construction will be comprised of automobiles and trucks permitted under the California Vehicle Code and no farm equipment is expected. The project does not introduce incompatible users (e.g., farm equipment) to a roadway or transportation facility not intended for those users. Details of the traffic study roadways and intersections are referenced in the TIS and a more critical evaluation was conducted on turning movements on Husted and Frontage road driveways into and out of the project site. The TIS found that the project would not result in a significant impact regarding hazards due to a geometric design feature of the project.

**d) *Less than Significant Impact.*** Access to the project site is provided via Husted Road and from Frontage Road as well. Upon project completion adequate emergency access would be provided. Development of the project site would include the construction of two driveway entrances/exits. These entrances/exits would provide adequate emergency access. A less than significant impact would occur.

## **TRIBAL CULTURAL RESOURCES**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and

scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Question	CEQA Determination
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	Less Than Significant Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Less Than Significant Impact

**Environmental Setting or Reference**

Chapter 532, Statutes of 2014 (i.e., AB 52), requires Lead Agencies evaluate a project’s potential to impact “tribal cultural resources.” Such resources include “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources.” AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a “tribal cultural resource.”

CEQA defines a “historical resource” as a resource that meets one or more of the following criteria: (1) is listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register); (2) is listed in a local register of historical resources as defined in PRC §5020.1(k); (3) is identified as significant in a historical resource survey meeting the requirements of PRC §5024.1(g); or (4) is determined to be a historical resource by a project’s Lead Agency (PRC §21084.1 and State CEQA Guidelines §15064.5[a]). A resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria as defined in PRC §5024.1(C)

A historic resource investigation of this project site was conducted by Gregory G. White, PhD, RPA, on September 15, 2022 (see Attachment C, Cultural Report). As part of this report, a records search was conducted that revealed 458 cultural resources were previously recorded within one mile of the project site. The project site has not been subject to a previous cultural resources assessment and no cultural resources have been previously identified within its boundaries. The intensive pedestrian survey of the project site failed to identify any prehistoric archaeological remains and the results of the survey indicate that the surface of entire project site has been disturbed by existing uses occupying the site.

## **Evaluation of Potential Tribal Cultural Resources**

**a) *Less Than Significant Impact with Mitigation Incorporated.*** The site is vacant and does not have any visible historic resources on it. In accordance with AB 52 (specifically PRC 21080.3.1), Native American consultation is required upon request by a California Native American tribe that has previously requested that the City provide it with notice of such projects. The Yocha Dehe Wintun Nation Tribe (YDWNT) previously has requested consultation for projects proposed in the City subject to AB 52. The City contacted the YDWNT via a letter, including the cultural resources report prepared by Dr. White, and indicating that no archaeological resources were identified.

**b)** Chapter 532, Statutes of 2014 (i.e., AB 52), requires Lead Agencies to evaluate a project's potential to impact "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource."

Based on the historic resource investigation of this project site no resources were found on the site and a consultation process was conducted that includes a number of mitigation measures to reduce potential impacts on tribal resources to a level of non-significance. In accordance with a letter dated February 27, 2023, the YDWNT has concerns that the project could impact known cultural resources on the site. YDWNT highly recommends including cultural monitors they development and ground disturbance. In addition, they recommend cultural sensitivity training for all project personnel (see Attachment E Public Agency Comments). Attachment F of this report includes information from YDWNT that describes the protocol for site monitoring and a sample agreement for reference.

To avoid potential impacts to tribal resources a number of mitigation measures are included in the project that respect YDWNT's recommendations. These measures should result in less than significant impacts to tribal resources.

### **Mitigation Measure:**

**TRI-1. Prior to construction, the Yocha Dehe Wintun Nation Tribe will be contacted by the project contractor to arrange a cultural/tribal resources sensitivity training to assure all parties involved in grading and excavation activities for the project have an understanding of potential resource discovery and a process to undertake for this discovery. The City shall also be notified of this training so City staff can attend and/or monitor the training.**

**TRI-2. Prior to construction, the Yocha Dehe Wintun Nation Tribe will be contacted to arrange tribal monitoring for the project. Arrangements shall be made by the applicant with the Yocha Dehe Wintun Nation Tribe for tribal monitoring during**

critical grading and/or excavation portions of the project. Prior to commencing this grading/excavation, the City shall be notified by the project contractor and confirmed by the Yocha Dehe Wintun Nation Tribe, that monitoring arrangements for the project have been made that satisfy both parties.

TRI-3. During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the City shall retain a qualified cultural resources consultant (Greg White, Sub Terra Consulting, or other approved by the Yocha Dehe Wintun Nation Tribe) to identify and investigate any subsurface historic remains, and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.

**UTILITIES AND SERVICE SYSTEMS**

Would the project:

Question	CEQA Determination
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Less Than Significant Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

**Environmental Setting or Reference**

The project will connect to existing gas, electric, and sanitary sewer.

**Evaluation of Potential Utilities and Services**

**a) No Impact.** The project will develop a wastewater septic system and contain all sewerage on site. In the event the City extends sewer lines to the project site, the project may connect to the City's system.

**b) Less than Significant Impact.** The City system includes a 100,000-gallon elevated water storage tank, together with three active and two standby groundwater wells. The wells draw groundwater from depths ranging from 120 feet to as deep as 500 feet. The source of groundwater is recharge from the hills to the west and local irrigation of crops with surface water. Per the City General Plan EIR, the existing supply for Williams' water distribution system has been determined to be adequate for current needs and can be expanded to meet future requirements without harming the aquifer. Project impact are less than significant and no mitigation is needed.

**c) No Impact.** See discussion under items a) and b) above. No impact will occur and no mitigation is needed.

**d) No Impact.** Refuse collection and disposal in the City is provided by Recology, a private company that serves many communities throughout northern California. Services include weekly garbage pickup, biweekly recycling waste pickup, and biweekly yard waste pickup. Refuse is hauled to a transfer station in Maxwell and then to Recology's Ostrem Road Landfill, approximately 10 miles southeast of Yuba City. The Ostrem Road Landfill has been recognized as one of the most modern landfills in California, and it was the first facility to be built to meet current federal requirements for landfill liner systems to protect subsurface aquifers and other resources. Ostrem Road Landfill is permitted to accept 3,000 tons of municipal solid waste per day. The site has an expected closure date of 2084 with a total design capacity of over 41 million cubic yards. Recology has reported that the Ostrem Road Landfill will have sufficient capacity for the next 55+ years.

**e) No Impact.** The project would be required to coordinate with the waste hauler to develop collection of recyclable materials from the project site on a common schedule as set forth in applicable local, regional, and state programs. Materials that would be recycled by the project include paper products, glass, aluminum, and plastic. Additionally, the project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, state, and federal solid waste disposal standards.

**WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Question	CEQA Determination
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact

Question	CEQA Determination
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

**Environmental Setting or Reference**

The City of Williams is not located within or near state responsibility areas or lands classified as very high fire hazard severity zones.

**Evaluation of Potential Wildfire Impacts**

**a) No Impact.** The project is not located within a State designated fire hazard zone. There are no specific emergency or evacuation plans for this site.

**b) Less Than Significant Impact.** Project site does not have any significant topographic challenges and has excellent access to Highways and local roads.

**c) No Impact.** The project is located in a non-rural urbanized area served by existing water and roadway infrastructure and does not require the installation or maintenance of wildland protection features such as fire roads, fuel breaks, or emergency water sources. In the absence of any need for such features, no impact (temporary or ongoing) would result from the development of the proposed uses.

**c) No Impact.** Similar to adjacent properties, the project site is flat. No hillside areas or natural areas prone to wildfire fire are located in the immediate project vicinity. As the project would not expose persons or structures to post-fire slope instability or post-fire drainage, no impact would occur.



## MANDATORY FINDINGS OF SIGNIFICANCE

Question	CEQA Determination
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Less Than Significant with Mitigation Incorporated
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Less Than Significant Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Less Than Significant Impact

### Evaluation on Impacts

**a) *Less Than Significant Impact with Mitigation.*** The project's impacts to biological resources and cultural resources were analyzed in this Initial Study, and all direct, indirect, and cumulative impacts were determined to have no impact, a less than significant impact, or reduced to a less than significant impact with implementation of mitigation. No endangered or threatened species were identified on the project site. Development of the project would not cause fish or wildlife populations to drop below self-sustaining levels or restrict the movement/distribution of a rare or endangered species. The project would not affect any threatened or endangered species or associated habitat. Potential impacts to migratory and nesting birds would be mitigated to **less than significant** levels with implementation of **Mitigation Measure BIO-1**.

Development of the project would not affect known historic, archaeological, or paleontological resources. There are no known unique ethnic or cultural values associated with the project site, nor are known religious or sacred uses associated with the project site. **Mitigation Measure CUL-1** has been identified to confirm the presence or absence of subsurface cultural or tribal resources and/or human remains on the project site. Furthermore, **Mitigation Measures TRI-1 through TRI-3** have been identified to address potential impacts if subsurface cultural, tribal, or paleontological resources would be encountered during construction operations. Additionally, the project applicant is

required to comply with California Code of Regulations (CCR) Section 15064.5(e), California Health and Safety Code Section 7050.5, and Public Resources Code (PRC) Section 5097.98 as a matter of policy in the event human remains are encountered at any time. Adherence to these mitigation measures, as well as regulations governing human remains, would reduce potential impacts to cultural and paleontological resources to **less than significant with implementation of mitigation**.

**b) Less Than Significant Impact.** The project has either no impact, a less than significant impact, or a less than significant impact with mitigation incorporated with respect to all environmental issues pursuant to CEQA. Due to the limited scope of direct physical impacts to the environment associated with the project, the project's impacts are primarily project-specific in nature. The project site is located within an area that has been designated by the City for commercial uses. The project would not exceed significance thresholds for air-quality impacts during short-term construction-related activities or for the operational lifetime of the project. As such, standard conditions and/or mitigation measures to reduce air quality impacts are not warranted. Construction and operational noise would not exceed City thresholds; therefore, no standard conditions or mitigation measures are warranted.

The cumulative effects resulting from the buildout of the City's General Plan were previously identified in the General Plan EIR. The type, scale, and location of the project is consistent with the City's General Plan and zoning designation and is compatible with the pattern of development on adjacent properties. Because of this consistency, the potential cumulative environmental effects of the project would fall within the impacts identified in the City's General Plan EIR. The project is subject to required "fair share" development impact fees will be paid by the applicant.

**c) Less Than Significant Impact.** The project has either no impact, a less than significant impact, or a less than significant impact with mitigation incorporated with respect to all environmental issues pursuant to CEQA. Due to the limited scope of direct physical impacts to the environment associated with the project, the project's impacts are primarily project-specific in nature. The project site is located within an area that has been designated by the City for commercial uses. The project would not exceed significance thresholds for air-quality impacts during short-term construction-related activities or for the operational lifetime of the project. As such, standard conditions and/or mitigation measures to reduce air quality impacts are not warranted. Construction and operational noise would not exceed City thresholds; therefore, no standard conditions or mitigation measures are warranted.

The cumulative effects resulting from the buildout of the City's General Plan were previously identified in the General Plan EIR. The type, scale, and location of the project is consistent with the City's General Plan and zoning designation and is compatible with the pattern of development on adjacent properties. Because of this consistency, the potential cumulative environmental effects of the project would fall within the impacts identified in the City's General Plan EIR. The project is subject to required "fair share" development impact fees will be paid by the applicant.

## Attachments

Attachment A: Air Quality Report

Attachment B: Biological Report

Attachment C: Cultural Resources Report

Attachment D: Traffic Impact Study

Attachment E: Public Agency Comments:

Attachment F: Yoche Dehe Winton Nation Information

**Attachment E**  
**Public Agency Comments**

*Colusa County Air Pollution Control District:*

From: Casey Ryan <cryan@countyofcolusa.com>  
Sent: Friday, January 27, 2023 4:45 PM  
To: Katheryn Ramsaur <KRamsaur@cityofwilliams.org>  
Subject: Maverik Gas Station Project Review - Colusa County APCD

Good Afternoon Katheryn,

This email is in regards to the Maverik Gas Station project located on Husted Road and Interstate 5 that is currently being reviewed by the City of Williams. The Colusa County Air Pollution Control District (District) only has one concern as it relates to this project, which may have already been addressed. The District would like to make sure that the neighboring facility, Ramos Oil, will also be included in the environmental assessment and initial study as it relates to the CEQA regulations.

Other than this one concern the District has no further comments in regards to this project. Please feel free to contact me if you have any questions or comments.

Thank you,

Casey Ryan  
Air Pollution Standards Officer III  
Colusa County Air Pollution Control District  
100 Sunrise Blvd., Suite F., Colusa, CA 95932

Office: (530) 458-0583  
Cell: (530) 701-4064  
Fax: (530) 458-3789

*April 26, 2023, E-Mail Response from City Air Quality Representative:*

Katheryn/Gary,

The definition of "A Project" appears in CEQA Guidelines Section 15378. A project is any action that has the potential for a physical change in the environment. The physical change may be direct or reasonably foreseeable indirect physical change.

Ramos Oil is a separate, existing operation unconnected to the Maverick gas station. So, it is puzzling why the APCD believes it needs to be included in the AQ analysis. It can be part of a cumulative impact evaluation, however the District did not ask for a cumulative impact study.

Ray Kapahi, Environmental Permitting Specialists

*California Department of Transportation:*

### **Right of Way**

The proposed project will be located on the easterly side of State Right of Way (ROW) on I-5.

- Applicant will need to delineate and clearly identify Caltrans ROW in their plan sheets.
- Applicant is recommended to label our state ROW with bearings and distances and width on Plan Sheets. ROW Engineering advises the applicant to request ROW Record and Monument Maps by contacting the District 3 ROW Map counter at: [d3rwmaprequest@dot.ca.gov](mailto:d3rwmaprequest@dot.ca.gov)
- Applicant or their representatives may also need to identify any possible vulnerable survey monuments in the development area that will need to be preserved and/or perpetuated, as required by PE Act 6731.2 and PLS Act 8771.

### **Encroachment Permit**

Any project along or within the State's ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Hikmat Bsaibess  
California Department of Transportation  
District 3, Office of Permits  
703 B Street  
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Katheryn Ramsaur, Assistant City Planner  
January 31, 2023  
Page 3

If you have any questions regarding these comments or require additional information, please contact Sukhi Johal, Local Development Review Coordinator, by phone (530) 565-3885 or via email at [sukhi.johal@dot.ca.gov](mailto:sukhi.johal@dot.ca.gov).

Sincerely,



GARY ARNOLD, Branch Chief  
Local Development Review, Equity and System Planning  
Division of Planning, Local Assistance and Sustainability  
Caltrans District 3

"Provide a safe and reliable transportation network that serves all people and respects the environment"



# Yocha Dehe Wintun Nation Cultural Resources Office

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YOCHA DEHE  
CULTURAL RESOURCES

July 12, 2022

Sub-Terra Heritage Resource Investigations  
Attn: Gregory G. White, PhD, RPA, Principal Investigator  
3153 Chico Avenue,  
Chico, CA 95928

RE: Williams Maverik Gas Station Project YD-05172022-06

Dear Mr. White:

Thank you for your project notification letter dated, June 6, 2022, regarding cultural information on or near the proposed Williams Maverik Gas Station Project. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area and would like to continue to receive updates on the project, and notify when considerations are finalized.

Should you have any questions, please contact:

CRD Administrative Staff  
Yocha Dehe Wintun Nation  
Office: (530) 796-3400  
Email: [THPO@yochadehe-nsn.gov](mailto:THPO@yochadehe-nsn.gov)

Please refer to identification number YD - 05172022-06 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

DocuSigned by:  
  
5E0632FDB9C34EA  
Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org

# CITY of WILLIAMS

810 E STREET

POST OFFICE BOX 310

WILLIAMS, CALIFORNIA 95987

PHONE: (530) 473-2955 • FAX: (530) 473-2445

January 31, 2023

Rebekah Canavesio, Cultural Resources Office Coordinator  
Yocha Dehe Wintun Nation  
PO Box 18; Brooks, CA 95606

The City of Williams has received a development application for the Maverick Gas Station Project. An Environmental Assessment/Initial Study is being prepared for the project in compliance with CEQA regulations. The consultant performing the Cultural Resource Investigation into this project, Gregroy White, has previously been in contact with the Yocha Dehe Wintun Nation. To continue to keep you informed as to the status of the investigation, I have attached it for your review. Of particular interest may be the proposed mitigation measures that we plan to include with the environmental assessment which can be found on page 21 of the report. If you feel that further mitigation measures are necessary, may I suggest the following:

Prior to construction, the Yocha Dehe Wintun Nation Tribe will be contacted to arrange tribal monitoring for the project. Arrangements shall be made by the applicant with the Yocha Dehe Wintun Nation Tribe for tribal monitoring during critical grading and/or excavation portions of the project. Prior to commencing this grading/excavation, the City shall be notified by the project contractor and confirmed by the Yocha Dehe Wintun Nation Tribe, that monitoring arrangements for the project have been made that satisfy both parties.

If you have any comments or concerns please submit written comments to Katheryn Ramsaur, Assistant City Planner, City of Williams, P.O. Box 310, Williams CA or by email at [kramsaur@cityofwilliams.org](mailto:kramsaur@cityofwilliams.org) or you can reach me by phone at (530) 473-2955 ext. 113.

Please do not hesitate to contact this office if you have any questions.

Sincerely,



Katheryn Ramsaur

Assistant City Planner

Attachment: Cultural Resource Investigation



YOCHA DEHE  
CULTURAL RESOURCES

February 27, 2023

City of Williams  
Attn: Katheryn Ramsaur, Assistant City Planner  
P.O. Box 310  
Williams, CA 95987

RE: Williams Maverik Gas Station Project YD-05172022-06

Dear Ms. Ramsaur:

Thank you for your project notification letter dated January 31, 2023, regarding cultural information on or near the proposed Williams Maverik Gas Station Project. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Yocha Dehe Wintun Nation highly recommends including cultural monitors during development and ground disturbance. In addition, we recommend cultural sensitivity training for all project personnel.

To schedule cultural sensitivity training, please contact:

Eric Hernandez, Site Protection Manager  
Yocha Dehe Wintun Nation  
Phone: (530) 723-3313  
Email: [ehernandez@yochadehe.gov](mailto:ehernandez@yochadehe.gov)

Please refer to identification number YD-05172022-06 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

DocuSigned by:  
  
8DD08D089ED6438...  
Yvonne Perkins  
Tribal Historic Preservation Officer

Yocha Dehe Wintun Nation  
P.O. Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2148 www.yochadehe.org

## **Attachment F: Yocha Dehe Wintun Nation Information**



YOCHA DEHE  
CULTURAL RESOURCES

### **Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation**

The purpose of this Protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, in the event that any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity. This Protocol also formalizes procedures for Tribal monitoring during archaeological studies, grading, and ground-disturbing activities.

#### **I. Cultural Affiliation**

The Yocha Dehe Wintun Nation ("Tribe") traditionally occupied lands in Yolo, Solano, Lake, Colusa and Napa Counties. The Tribe has designated its Cultural Resources Committee ("Committee") to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with Projects on lands culturally-affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.

#### **II. Inadvertent Discovery of Native American Human Remains**

Whenever Native American human remains are found during the course of a Project, the determination of Most Likely Descendant ("MLD") under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission ("NAHC") upon notification to the NAHC of the discovery of said remains at a Project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents.

Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.

#### **III. Treatment of Native American Remains**

In the event that Native American human remains are found during development of a Project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site

Yocha Dehe Wintun Nation  
PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org



YOCHA DEHE  
CULTURAL RESOURCES

of the discovery and (2) make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.

The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.

The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

#### **IV. Non-Disclosure of Location of Reburials**

Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 *et seq.* The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System ("CHRIS") on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

#### **V. Treatment of Cultural Resources**

Treatment of all cultural items, including ceremonial items and archeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at a Project site should be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Project Proponent should waive any and all claims to ownership of





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Tribal ceremonial and cultural items, including archeological items, which may be found on a Project site in favor of the Tribe. If any intermediary, (for example, an archaeologist retained by the Project Proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.

**VI. Inadvertent Discoveries**

If additional significant sites or sites not identified as significant in a Project environmental review process, but later determined to be significant, are located within a Project impact area, such sites will be subjected to further archeological and cultural significance evaluation by the Project Proponent, the Lead Agency, and the Tribe to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.

**VIII. Work Statement for Tribal Monitors**

The description of work for Tribal monitors of the grading and ground disturbing operations at the development site is attached hereto as Addendum I and incorporated herein by reference.



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## ADDENDUM I

### Yocha Dehe Wintun Nation Tribal Monitors Description of Work and Treatment Protocol

#### **I. Preferred Treatment**

The preferred protocol upon the discovery of Native American human remains is to (1) secure the area, (2) cover any exposed human remains or other cultural items, and (3) avoid further disturbances in the area.

#### **II. Comportment**

All parties to the action are strongly advised to treat the remains with appropriate dignity, as provided in Public Resource Code Section 5097.98. We further recommend that all parties to the action treat tribal representatives and the event itself with appropriate respect. For example, jokes and antics pertaining to the remains or other inappropriate behavior are ill advised.

#### **III. Excavation Methods**

If, after the Yocha Dehe Tribal representative has been granted access to the site and it is determined that avoidance is not feasible, an examination of the human remains will be conducted to confirm they are human and to determine the position, posture, and orientation of the remains. At this point, we recommend the following procedures:

*(A) Tools.* All excavation in the vicinity of the human remains will be conducted using fine hand tools and fine brushes to sweep loose dirt free from the exposure.

*(B) Extent of Exposure.* In order to determine the nature and extent of the grave and its contents, controlled excavation should extend to a full buffer zone around the perimeter of the remains.

*(C) Perimeter Balk.* To initiate the exposure, a perimeter balk (especially, a shallow trench) should be excavated, representing a reasonable buffer a minimum of 10 cm around the maximum extent of the known skeletal remains, with attention to counter-intuitive discoveries or unanticipated finds relating to this or other remains. The dirt from the perimeter balk should be bucketed, distinctly labeled, and screened for cultural materials.

*(D) Exposure Methods.* Excavation should then proceed inward from the walls of the balk as well as downward from the surface of the exposure. Loose dirt should be scooped out and brushed off into a dustpan or other collective device. Considerable care should be

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given to ensure that human remains are not further impacted by the process of excavation.

*(E) Provenience.* Buckets, collection bags, notes, and tags should be fully labeled per provenience, and a distinction should be made between samples collected from: (1) **Perimeter Balk** (described above), (2) **Exposure** (dirt removed in exposing the exterior/burial plan and associations), and (3) **Matrix** (dirt from the interstices between bones or associations). Thus, each burial may have three bags, “Burial 1 Perimeter Balk,” “Burial 1 Exposure Balk,” “Burial 1 Matrix.”

Please note the provisions below with respect to handling and conveyance of records and samples.

*(F) Records.* The following records should be compiled in the field: (1) a detailed scale drawing of the burial, including the provenience of and full for all human remains, associated artifacts, and the configuration of all associated phenomena such as burial pits, evidence for preinterment grave pit burning, soil variability, and intrusive disturbance, (2) complete a formal burial record using the consultants proprietary form or other standard form providing information on site #, unit or other proveniences, level depth, depth and location of the burial from a fixed datum, workers, date(s), artifact list, skeletal inventory, and other pertinent observations, (3) crew chief and worker field notes that may supplement or supercede information contained in the burial recording form, and (4) photographs, including either or standard photography or high-quality (400-500 DPI or 10 MP recommended) digital imaging.

*(G) Stipulations for Acquisition and Use of Imagery.* Photographs and images may be used only for showing location or configuration of questionable formation or for the position of the skeleton. They are not to be duplicated for publication unless a written release is obtained from the Tribe.

*(H) Association.* Association between the remains and other cultural materials should be determined in the field in consultation with an authorized Tribal representative, and may be amended per laboratory findings. Records of provenience and sample labels should be adequate to determine association or degree of likelihood of association of human remains and other cultural materials.

*(I) Samples.* For each burial, all **Perimeter Balk** soil is to be 1/8”-screened. All **Exposure** soil is to be 1/8”-screened, and a minimum of one 5-gallon bucket of excavated but unscreened Exposure soil is to be collected, placed in a plastic garbage bag in the bucket. All **Matrix** soil is to be carefully excavated, screened as appropriate, and then collected in plastic bags placed in 5-gallon buckets.

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*(J) Human remains are not to be cleaned in the field.*

*(K) Blessings.* Prior to any physical action related to human remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

#### **IV. Lab Procedures**

No laboratory studies are permitted without consultation with the tribe. Lab methods are determined on a project-specific basis in consultation with Yocha Dehe Wintun Nation representatives. The following procedures are recommended:

*(A) Responsibility.* The primary archaeological consultant will be responsible for insuring that all lab procedures follow stipulations made by the Tribe.

*(B) Blessings.* Prior to any laboratory activities related to the remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

*(C) Physical Proximity of Associations.* To the extent possible, all remains, associations, samples, and original records are to be kept together throughout the laboratory process. In particular, **Matrix** dirt is to be kept in buckets and will accompany the remains to the lab. The primary archaeological consultant will be responsible for copying all field records and images, and insuring that the original notes and records accompany the remains throughout the process.

*(E) Additional Lab Finds.* Laboratory study should be done making every effort to identify unanticipated finds or materials missed in the field, such as objects encased in dirt or human remains misidentified as faunal remains in the field. In the event of discovery of additional remains, materials, and other associations the tribal representatives are to be contacted immediately.

#### **V. Re-internment without Further Disturbance**

No laboratory studies are permitted on human remains and funerary objects. The preferred treatment preference for exhumed Native American human remains is reburial in an area not subject to further disturbance. Any objects associated with remains will be reinterred with the remains.



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**VI. Curation of Recovered Materials**

Should all, or a sample, of any archaeological materials collected during the data recovery activities – with the exception of Human Remains – need to be curated, an inventory and location information of the curation facility shall be given to tribe for our records.

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APE are related to the history and tradition of the Yocha Dehe Wintun Nation and Patwin speaking peoples. Yocha Dehe has designated its Cultural Resources Department to act on its behalf with respect to the provisions of this Agreement. Any Native American human remains, grave goods, ceremonial items, and cultural items or artifacts that are found in conjunction with the development of this Project shall be treated in accordance with the Provisions of this Agreement.

## II. TERMS

**A. Incorporation of Recitals:** All of the foregoing recitals are accurate and are incorporated in this Agreement by reference.

**B. Term:** This Agreement shall be effective as of the date of execution and it shall remain in effect until the Project's completion.

**C. Scope of Services and Specifications:** Given the nature and sensitivity of archaeological sites and cultural resources that are or may be within the Project area (a map of which is shown and attached hereto as Attachment I). Yocha Dehe shall provide tribal monitoring and consultation for the Project during the archaeological investigations and all ground disturbing activities required for the Project. Yocha Dehe monitors will work in collaboration with the archaeologists, inspectors, project managers and other consultants hired/employed by the Contractor.

**D. Fee Schedule:**

The fee schedule for the use of Yocha Dehe Wintun Nation monitors and staff is as follows;

Native American Monitoring	\$82.50 hourly rate (per monitor)
Overtime (over 8 hrs in a day)	\$123.75 hourly rate (per monitor)
Weekend and Holiday Hours	\$123.75 hourly rate Saturday; and \$165.00 hourly rate Sunday and Holiday

Cultural Resources Manager \$192.50 (per hour)  
(4 hour minimum)

Tribal Historic Preservation Officer/  
Cultural Resources Director \$220.00 (per hour)  
(4 hour minimum)

Tribal Executives \$220.00 (per hour)  
(4 hour minimum)

Cultural Sensitivity Training \$300.00

Tribal Records Search \$150.00

Ground Penetrating Radar \$1,000 (per day)

Administrative Fee 15% of Invoice

Yocha Dehe's monitors will bill for time spent traveling to and from any Project site. In addition, Yocha Dehe shall be reimbursed for all costs associated with travel to and from the Project. Eligible items for cost reimbursement shall include, but not be limited to, mileage (or fuel purchases, at the submitter's election), hotel, and per diem (GSA rate).

**E. Coordination with County Coroner's Office.** In the event human remains are discovered on or near the Project site during its development, Contractor shall immediately contact the Coroner, the Yocha Dehe Director of Cultural Resources, Cultural Resources Manager, the Cultural Resources Committee Chairperson, and the Tribal Chairman. In order to facilitate this Agreement's implementation, the appropriate County Coroner's Office shall be provided a copy of this Agreement either before any earth disturbing activities or upon request of the Tribe. Yocha Dehe agrees to provide Contractor the needed contact information in order to comply with this provision. The Coroner shall be asked by the Contractor to determine if the

remains are (1) human, (2) prehistoric, and further, the Contractor shall request the Coroner notify the State of California's Native American Heritage Commission in the event the remains are determined to be Native American. The Contractor will compensate the Coroner for reasonable fees and costs, if applicable and required by the County Coroner's office.

**F. Most Likely Descendant (MLD):** The Yocha Dehe Wintun Nation as the MLD for any Human Remains, Associated Funerary Objects and Artifacts found within the exterior boundaries of the Yocha Dehe Wintun Nation Linguistic Territory. Human Remains have been discovered within the Yocha Dehe Wintun Nation Linguistic Territory on occasion and in all of those cases, the Native American Heritage Commission ("NAHC") designated the Yocha Dehe Wintun Nation as the Most Likely Descendant ("MLD") under California Public Resources Code section 5097.98.

**G. Treatment and Disposition of Remains.** Where Native American human remains are discovered during the Project's development, and where Yocha Dehe has been designated the Most Likely Descendant (MLD), the following provisions shall apply to the Parties:

I. The Tribe shall be allowed, under California Public Resources Code sections 5097.98 (a) and 21083.2 and State CEQA Guidelines section 15064.5 (e), to: (1) inspect the site of the discovery; and (2) make recommendations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

II. The Tribe shall complete its inspection within twenty-four (24) hours of receiving notification from either the Contractor or the NAHC, as required by California Public Resources Code section 5097.98 (a). The Parties agree to discuss, in good faith, what constitutes "appropriate dignity" as that term is used in the applicable statutes.

III. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code sections 5097.98 (a) and (b) and 21083.2 and State CEQA Guidelines section 15064.5 (e).

IV. The Parties are aware that Yocha Dehe may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. Should Yocha Dehe recommend reburial of the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, the Contractor shall make good faith efforts to accommodate the Tribe's request.



V. The term "human remains" encompasses more than human bones because Yocha Dehe's traditions periodically necessitated the ceremonial burning of human remains, and monitors shall make recommendations for removal of cremations. Grave goods are those artifacts associated with any human remains. These items and the soil, in an area encompassing up to two (2) feet in diameter around the burial, and other funerary remnants and their ashes, are to be treated in the same manner as human bone fragments or bones that remain intact

**H. Treatment and Disposition of Cultural Items (Artifacts).** Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Tribe. Contractor agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the Project site to the MLD for appropriate treatment, unless Contractor is ordered to do otherwise by a court or agency of competent jurisdiction. In addition, the Tribe requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations on or adjacent to the Project site. Where appropriate (from the perspective of Yocha Dehe), and agreed upon in advance by Yocha Dehe, certain analyses of certain artifact types will be permitted, which may include, but which may not necessarily be limited to, shell, bone, ceramic, stone and/or other artifacts.

**I. Ownership Relinquishment.** Contractor waives any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. If examination of cultural artifacts by an entity or individual other than the MLD is necessary, that entity or individual shall return said artifacts to the MLD within thirty (30) days, or any other agreed upon time frame from the initial recovery of the items.

**J. The Description of Work.** Description of work for Yocha Dehe monitors for the grading and ground disturbing operations at the Project site is provided in **Attachment II** to this Agreement and incorporated herein by this reference. **Section I of Attachment II specifies the duties and responsibilities of the identified tribal monitoring crew and other specified parties. Section II of Attachment II identifies the geographical area over which the tribal monitoring crew shall oversee cultural resource mitigation and monitoring in accordance with California Public Resources Code section 21083.2 (c) and (k). Sections III and IV of Attachment II mandate compensation of the tribal monitoring crew by the Contractor.**

**K. Confidentiality.** Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 *et seq.* The County Coroner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). Moreover, all

records relative to consultation between the Parties shall be confidential and not subject to public disclosure as required by the California Public Records Act, Cal. Govt. Code § 6250 et seq.

Executed by:

**Yocha Dehe Wintun Nation**

(Company Name)

Signature:

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Signature:

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Print Name:

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Print Name:

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Title:

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Tribal Historic Preservation  
Officer

Title:

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Date:

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Date:

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ATTACHMENT I

[Insert Tract Map for Project Name]

## Attachment II

### NATIVE AMERICAN MONITORING OF GRADING AND GROUND DISTURBING ACTIVITIES

- I. **Specifications:** Given the nature and sensitivity of the archaeological sites and cultural resources that are in or may be within the Project area, the Yocha Dehe Wintun Nation, a federally recognized Indian tribe and the Most Likely Descendant as identified by the Native American Heritage Commission, shall provide the tribal monitoring, consultation and facilitation for this Project during the archeological investigations, and all ground disturbing activities for the Project. Yocha Dehe's monitors will work in concert with the archaeologists and Project engineers hired/employed by Contractor. The tribal monitors or Project archaeologists will be empowered to halt all earthmoving equipment in the immediate area of discovery when cultural items or features are identified until further evaluation can be made in determining their significance. It is understood that all surface and subsurface artifacts of significance shall be collected and mapped during this operation following standard archaeological practices.

After discovery of cultural items or features' discussions between the tribal monitors and project archaeologist will occur to determine the significance of the situation and best course of action for avoidance, protection of resources, and/or data recovery, as applicable.

- II. **Project to be Monitored:** Monitoring shall encompass the area known as \_\_\_\_\_ and shall be known as the Project area. It is agreed that monitoring shall be allowed for all archaeological studies, excavations, and groundbreaking activities occurring in conjunction with the development of the Project.
- III. **Project Crew Size:** The Parties to this Agreement project the need for a tribal monitoring crew size to be determined by the Cultural Resource Manager, in accordance with Yocha Dehe Wintun Nation Cultural Law. If the scope of the work changes (*e.g.*, inadvertent discoveries of cultural resources or simultaneous grading of area that requires multiple tribal monitors), additional tribal monitors may be required. Developer agrees to directly compensate Yocha Dehe for all of the work performed by the tribal monitors. The compensation rate shall be made directly from Contractor to the Tribe in accordance with Section IV. If human remains are found, the coordination of the reburial of those remains and any associated cultural and

ceremonial items shall be conducted in accordance with Sections III and IV of this Agreement.

**IV. Insurance and Indemnity:** Yocha Dehe shall provide the tribal monitoring crew for the Project and shall be responsible for coordinating the tribal monitors' activities on the Project. The Tribe recognizes that dangerous conditions may exist on the work site, particularly during grading operations, and agrees to assume responsibility for the safety of the tribal monitoring crew while the crew remains on the Project site. The Tribe possesses the necessary insurance to cover any bodily injury or property damage that may be suffered by the tribal monitors and proof of such insurance shall be made available to Contractor upon request.

**V. Compensation:** Contractor shall directly compensate the Tribe in accordance with the following compensation rates and procedures. Invoices will be submitted on a monthly basis and shall be paid within 30 days of submittal to assure timely tribal monitor compensation and to further assure that tribal monitoring will not be terminated for the Project.

A minimum half-day charge ("show up" time) shall be charged to Contractor for unannounced work stoppages of the tribal monitors that are not due to actions by Yocha Dehe.

**VI. Rights of Access/Stoppage/Consultation Upon Discovery:** Contractor shall provide Yocha Dehe tribal monitors with unencumbered access to the Project site as reasonably necessary for the monitors to effectively perform the services required by this Agreement. The tribal monitors and/or project archaeologist will be empowered to halt all earthmoving equipment in the immediate area of discovery when cultural items or features are identified until further evaluation can be made in determining their significance. It is understood that all surface and subsurface artifacts, Native American human remains, funerary objects, items of cultural patrimony, and any other cultural items shall be treated in accordance with an agreed upon artifact treatment and disposition plan.

After discovery of cultural items or features, discussions between the tribal monitors and project archaeologist will occur to determine its significance and the best course of action for avoidance, protection of resources, and/or data recovery, as applicable. While determinations will be mostly in the field, Yocha Dehe's tribal monitors may need to seek further guidance from the Most Likely Descendent, Yocha Dehe Tribal Council and/or the Cultural Resources Committee. If this rare occurrence should arise, Yocha Dehe reserves the right to request a 30-day stoppage of work.

Where circumstances warrant, the Contractor may be required, at its sole expense, to provide security personnel or remove unnecessary persons from the Project site. For example, where the safety of tribal monitors is at risk due to controversy or other circumstances surrounding a particular Project's development, security personnel would be provided at the Contractor's expense and members of the public excluded from the site. Likewise, where the protocol for the treatment of Native American human remains, funerary objects, artifacts, or items of cultural patrimony deems culturally required or appropriate, Contractor agrees unnecessary personnel will leave the site during the relevant time period.