


May 21, 2024

TO: John Adkins  
Project Management Division III

FROM: Mark A. Lombos, PE   
Stormwater Quality Division

**ENVIRONMENTAL EVALUATION  
AVENUE J-12 AND 50TH STREET WEST SITE IMPROVEMENTS, WELL 4-91 PROJECT  
PROJECT ID WWD4004057  
SWQD.EE.2023.00024**

Provided herein is an environmental evaluation and finding for compliance with the California Environmental Quality Act (CEQA) associated with the Avenue J-12 and 50th Street West Site Improvements, Well 4-91 Project.

**I. Lead Agency**

Los Angeles County Public Works

**II. Location**

43808 North 50th Street West, Lancaster. Figure 1 shows the project location.

**III. Background and Project Description**

Public Works plans to construct a groundwater well replacement to optimize the capacity of Waterworks District No. 40, Antelope Valley to produce its adjudicated groundwater rights and help meet the water supply demand within the area. The project will increase water supply reliability and drought preparedness in the event of an interruption to or reduction of imported water supply.

The proposed project is located on property that is owned and operated by Public Works and is partially developed. The property is used for well water production, storage, disinfection, and pumping and currently contains structures, paving, fencing, water wells, a water tank, and associated piping as well as an undeveloped lawn.

The proposed project will consist of the installation of a replacement groundwater well (approximately 510-feet-deep, 8-inch-diameter pipe) that will produce 550 gallons of water per minute, a detention basin (approximately 46-feet by 46-feet and 15-feet in depth) that will be used for well flushing, approximately 1,035 feet of pipe, and associated pumps and motors. The trenching for the pipe installation will

be approximately 38 inches in width and 5 feet in depth and will be backfilled afterwards. The project also proposes to install appurtenances, such as a main switchboard and distribution board, pull boxes, an approximately 10-foot by 12-foot concrete slab for pad mounted transformers, block wall masonry, gates, and fencing. The work will incorporate construction best management practices and follow all applicable regulations, including preparation of and adherence to Noise Abatement and Noise Implementation Plans in accordance with the City of Lancaster's noise ordinance. Figure 2 shows the project overview.

#### **IV. National Environmental Policy Act Documentation**

The United States Environmental Protection Agency (USEPA) intends to award a grant to Public Works for this project, requiring the USEPA's compliance with the National Environmental Policy Act (NEPA). On August 11, 2022, the USEPA found that the project is categorically excluded from NEPA and identified feasible NEPA mitigation measures for cultural and tribal cultural resources. See Attachment A for a copy of the USEPA's NEPA finding. It is important to note that NEPA anticipates that mitigation will be provided for the impacts of a project where it is feasible to do so, whereas the presence of mitigation creates a presumption of significant impacts under CEQA. For this reason, the mitigation measures described in USEPA's categorical exclusion are wholly appropriate under NEPA, although the impacts they address are not considered significant under CEQA and the mitigation measures are feasible but not necessary to reduce impacts to less than significant; therefore, the proposed project is categorically exempt under CEQA.

#### **V. CEQA Evaluation/Finding**

The project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (a) and (b); Section 15303 (d) and (e); and Class 1 (e) and (l); and Class 3 (b) and (c) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. Each exemption is discussed in more detail below.

##### **State CEQA Guidelines Section 15301 – Existing Facilities**

*Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to:*

*(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;*

*(b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.*

### **County Environmental Guidelines, Appendix G, Class 1**

*Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:*

*(e) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, water, sewage, flood control, or other public utility services.*

*(l) Replacement or addition of pumps, valves, or other mechanical equipment at existing facilities.*

Class 1 applies because the project involves improvements to an existing water system at a Public Works facility currently used for well water production, storage, disinfection, and pumping to produce the adjudicated groundwater rights and help meet the water supply demand within the area. The groundwater well is a replacement, and there is no change to the existing use of the facilities.

### **State CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures:**

*Class 3 consists of construction and location of limited numbers of new small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:*

*(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*

*(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

**County Environmental Guidelines, Appendix G, Class 3:**

*Class 3 consists of construction and location of limited number of new small facilities or structures; and conversion of existing small structures from one use to another where only minor modifications are:*

*(b) Accessory (appurtenant) structures such as garages, carports, patios, cabanas, swimming pools, screens, windbreaks, fences, parking attendant and golf starter structures, and comfort stations;*

*(c) Locally funded sanitary sewers, water, and telephone facilities located entirely within existing travelled ways in already urbanized areas for protection of health and safety and convenience where such areas are deficient in these facilities.*

Class 3 applies to the project because it involves the installation of a replacement groundwater well, detention basin, and piping at an existing Public Works' water system facility to produce its adjudicated groundwater rights and help meet the water supply demand within the area. The project also proposes to install appurtenances, such as a main switchboard and distribution board, pull boxes, concrete slab for pad mounted transformers, and fencing. There is no change to the existing use of the facilities.

In addition, the application of the above-described categorical exemptions is not precluded by any of the exceptions described in Section 15300.2 as discussed in the following table:

<b>Exemption Description</b>	<b>Discussion</b>
<p>(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.</p>	<p>The property is located in a mixed-use area of Los Angeles County. To the west of the site is 50th Street West followed by undeveloped, vacant land. The project involves installation of a groundwater well replacement, detention basin, piping, and fencing within an existing Public Works owned water system facility. Construction would be done in accordance with best management practices and comply with applicable regulations, including using sound curtains and other requirements from the Noise Abatement Plan and Noise Implementation Plan in accordance with the City of Lancaster's noise ordinance. After project construction, there will be no change to the existing use of the facilities. Based on USEPA's categorical exclusion and review of the extraordinary circumstances for the proposed project, the project is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places. Additionally, the proposed project is not known or expected to conflict with Federal, State, local government, or Federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations; however, the project will incorporate specifications to contact Tribes in the event of an unanticipated discovery of significant cultural or tribal cultural resources. The project is not located in or near any Significant Ecological Area and no trees will be removed as part of the project. The</p>

Exemption Description	Discussion
	<p>project is not listed on any compiled list pursuant to Section 65962.5 of the Government Code.</p> <p>Therefore, the project will have a less than significant impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, State, or local agencies.</p> <p>The location of the project does not preclude the use of the categorical exemptions.</p>
<p>(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.</p>	<p>Cumulative impacts refer to other past, present, and reasonably foreseeable future projects.</p> <p>The project involves installation of a groundwater well replacement, detention basin, piping, and fencing within an existing water system facility. Work will be coordinated with local agencies as applicable (e.g., traffic control) to reduce the potential impacts to residents in the local community. After the project is complete, the District will continue to operate as normal and will provide more reliable water service to the community. The project is not anticipated to exacerbate environmental impacts from existing and future projects because it will return to its existing use and will not result in a cumulative impact.</p> <p>No cumulative impacts would preclude the use of this exemption.</p>

Exemption Description	Discussion
<p>(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.</p>	<p>The property is located in a mixed-use area of Los Angeles County. To the west of the site is 50th Street West followed by undeveloped, vacant land. The project involves installation of a groundwater well replacement, detention basin, piping, and fencing within an existing Public Works owned water system facility. Construction would be done in accordance with best management practices and comply with applicable regulations, including using sound curtains and other requirements from the Noise Abatement Plan and Noise Implementation Plan in accordance with the City of Lancaster's noise ordinance. After project construction, there will be no change to the existing use of the facilities. As described in USEPA's categorical exclusion and review of the extraordinary circumstances for the proposed project, the project is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places. Additionally, the proposed project is not known or expected to conflict with Federal, State, local government, or Federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations; however, the project will incorporate specifications to contact tribes in the event of an unanticipated discovery of significant cultural or tribal cultural resources. The project is not located in or near any Significant Ecological Area, and no trees will be removed as part of the project.</p>

Exemption Description	Discussion
	<p>The project is not listed on any compiled list pursuant to Section 65962.5 of the Government Code.</p> <p>Therefore, the project will have a less than significant impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, State, or local agencies.</p> <p>The location of the project does not preclude the use of the categorical exemptions.</p>
<p>(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway</p>	<p>The project is not located near any highways designated as a State scenic highway. Further, as described in USEPA's NEPA categorical exclusion, the project is not located near any historic object or facility. Therefore, the project will not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a State scenic highway.</p> <p>No scenic resources would preclude the use of this exemption.</p>
<p>(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.</p>	<p>The project site is not identified on any compiled list pursuant to Section 65962.5 of the Government Code (Cortese List and EnviroStor).</p> <p>No hazardous waste sites would preclude the use of the categorical exemptions as to the remainder of the project.</p>



Exemption Description	Discussion
(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.	As described in USEPA's NEPA categorical exclusion, the project is not located near any historic object or facility and will not impact structures of historical, archaeological, or architectural significance. Further, the project is not near a historic resource listed on any historical databases. The project is not anticipated to result in any substantial adverse changes in the significance of a historical resource.  No historical resources would preclude the use of this exemption.

### Attachment

A. USEPA NEPA Categorical Exclusion, dated August 11, 2022

### References

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If you have any questions, please contact Melissa Turcotte at Extension 4670.

AV:vm  
SWQD-Q Drive\Sec\2024 Docs\Memos\Env Eval\_Well 4-91 Project\_Updated Memo

Attach.

Figure 1 – Project Location

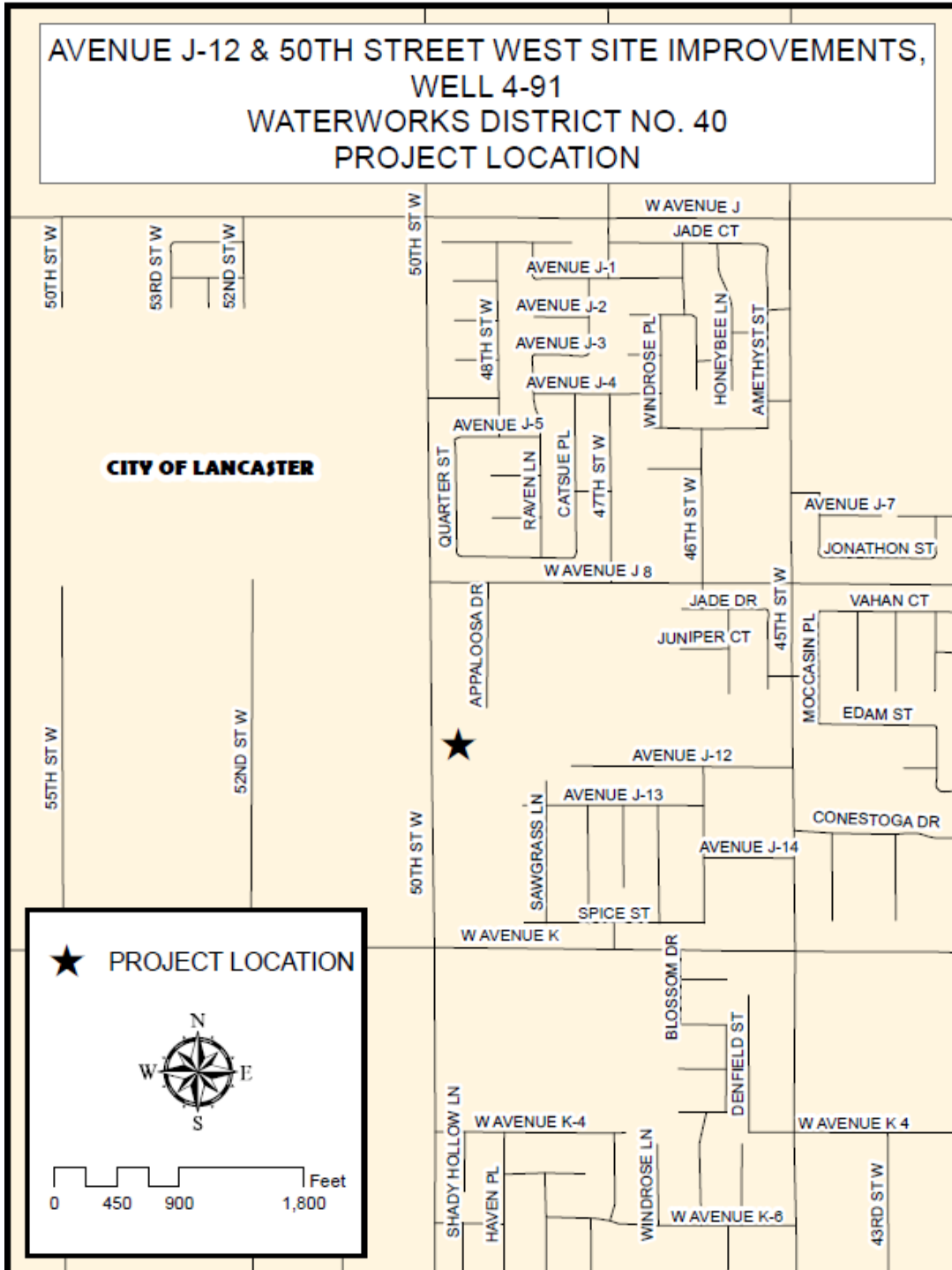
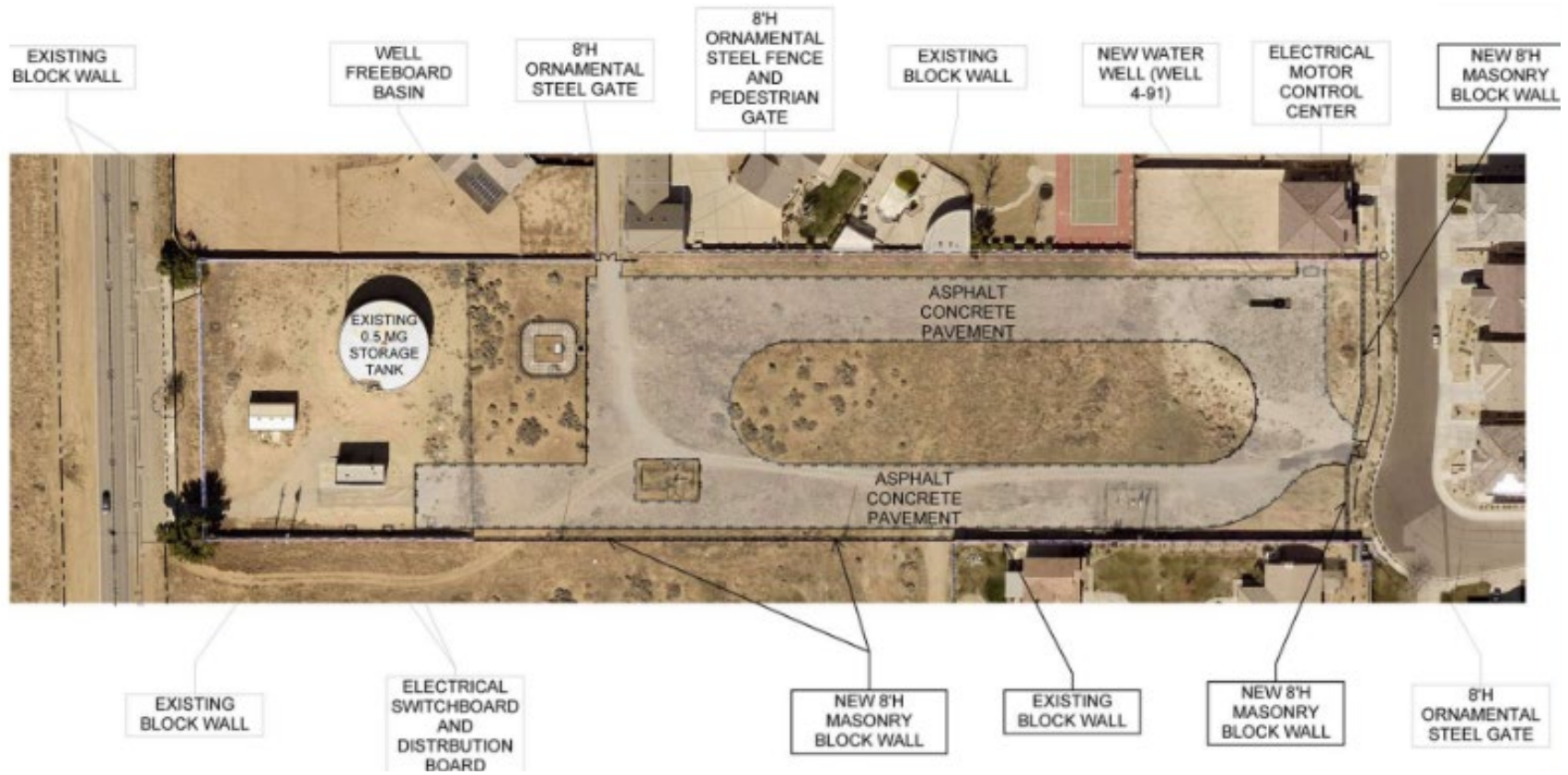


Figure 2 – Project Overview



**CATEGORICAL EXCLUSION**  
**EPA Grant XP-99T25001 Avenue J-12 and 50th Street West Site Improvements, Well 4-91,**  
**City of Lancaster, California**  
**August 2022**

The U.S. Environmental Protection Agency (EPA) Region 9 intends to award a grant totaling \$873,000 to the County of Los Angeles Department of Public Works (County) for a groundwater well replacement project in accordance with EPA's FY 2009 Omnibus Appropriations Act of Public Law 111-8.

EPA's grant award for the proposed project is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347. In accordance with Council on Environmental Quality regulation, 40 CFR §1508.1(d), a federal agency may categorically exclude certain actions from detailed environmental review that normally do not have a significant effect on the quality of the human environment. To qualify for a categorical exclusion, a project must conform to one of the categories listed in 40 CFR § 6.204(a), and it must not involve any of the extraordinary circumstances identified in 40 CFR § 6.204(b).

**Eligibility for Categorical Exclusion**

The County plans to use EPA grant funds to construct a new groundwater well that will produce 550 gallons of water per minute. This will optimize the capacity of the County's Waterworks District Number 40 (Antelope Valley) to produce its adjudicated groundwater rights and help meet the water supply demand within the area. The project will increase water supply reliability and drought preparedness in the event of an interruption to or reduction of imported water supply.

The proposed project will consist of the installation of a new groundwater well (an approximately 510-foot-deep 8-inch diameter pipe), a detention basin (approximately 46 feet x 46 feet x 15 feet in depth) that will be used for well flushing, an approximately 1,035-foot pipe, and fencing. The trenching for the pipe installation will be approximately 38 inches in width and 5 feet in depth. The proposed project is located on property that is owned and operated by the County and is partially developed. The property is used for well water production, storage, disinfection, and pumping. Currently, the property contains structures, paving, fencing, water wells, a water tank, and associated piping as well as an undeveloped lawn. The property is located in a mixed-use area of Los Angeles County. The project site is surrounded to the north, east, and south by a mix of residential development and vacant undeveloped land. To the west of the site is 50th Street West followed by undeveloped, vacant land.

40 CFR § 6.204(a)(1)(ii) allows a project to be categorically excluded when the project involves:

“Actions relating to existing infrastructure systems (such as sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities. This category does not include actions that: involve new or relocated discharges to surface or ground water; will likely

result in the substantial increase in the volume or the loading of pollutant to the receiving water; will provide capacity to serve a population 30% greater than the existing population; are not supported by the state, or other regional growth plan or strategy; or directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development.”

EPA has determined the proposed project is eligible for a categorical exclusion under 40 CFR § 6.204(a)(1)(ii) as it involves the functional replacement of the existing system and system components. The project does not involve new or relocated discharges to surface or ground water; will not result in the substantial increase in the volume or the loading of pollutant to the receiving water; will not provide capacity to serve a population of 30 percent greater than the existing population; and will not directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development. As described above, the purpose of the proposed project is to help meet the existing water demand and to improve water supply reliability.

### Extraordinary Circumstances

EPA reviewed the action to ascertain whether the project involves any of the extraordinary circumstances identified at 40 CFR § 6.204(b)(1)-(10). A federal cross-cutter authority review has also been completed in support of the extraordinary circumstances review (Attachment A). EPA has determined:

- (1) The proposed action is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.
- (2) The proposed action is not known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally recognized Indian tribal communities.

EPA used EJScreen Version 2.0 to characterize the demographics of communities within a 0.5-mile radius of the project site. The project site is situated within Census block group 060379010043 and use of the 0.5-mile buffer also incorporates small portions of Census block groups 060379011011, 060379011012, and 060379011023. Communities in this study area consist of 60 percent people of color and 17 percent low-income population. Comparatively, the County of Los Angeles consists of a 74 percent people of color and 35 percent low-income population while the State of California has average people of color and low-income populations of 63 percent and 31 percent, respectively. The study area is in the 44<sup>th</sup> and 31<sup>st</sup> state percentiles for people of color and low-income populations, respectively. Additionally, the purpose of the proposed action is to support continued groundwater availability for communities throughout the broader Waterworks District Number 40, which includes numerous block groups whose people of color and low-income population percentiles are above state averages. The Section 106 consultation and corresponding tribal outreach did not identify any impacts to tribal communities. Therefore, EPA has determined that effects from the proposed action on any community are not known or expected to be disproportionately high or adverse.

- (3) The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. A review of federally listed species by the U.S. Fish and Wildlife Service (USFWS) identified three federally listed species in the vicinity of the project area: endangered **California condor** (*Gymnogyps californianus*), endangered **least Bell's vireo** (*Vireo bellii pusillus*), and threatened **desert tortoise** (*Gopherus agassizii*). EPA has determined that the project site

does not present suitable foraging or breeding habitat for California condor or least Bell's vireo; therefore, these species are unlikely to occur at the project site. The project site is unlikely to support desert tortoise because the habitat and surrounding area are disturbed and highly fragmented. The site will also be fenced, making it unlikely for desert tortoise to enter the area. Accordingly, EPA determined that the project is "not likely to adversely affect" federally listed threatened or endangered species in accordance with Section 7 of the Endangered Species Act and requested concurrence from USFWS with this determination. On April 5, 2022, USFWS concurred that the proposed project is not likely to adversely affect the federally listed desert tortoise, least Bell's vireo, or California condor. USFWS also confirmed that further consultation pursuant to Section 7 of the Endangered Species Act is not required for the proposed action. If changes to the proposed action may result in effects to federally listed species or their critical habitat, USFWS requests that they be contacted to determine whether additional consultation would be required.

(4) The proposed action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.

On November 1, 2021, the South Central Coastal Information Center (SCCIC) conducted a records search of the California Historical Records Information System (CHRIS), which identified no historic or archeological resources at the project site and five archaeological resources within a 0.5-mile radius of the project location. SCCIC recommended that all work be halted in the event that evidence of any cultural resources is discovered at the site until a qualified archaeological consultant assesses the findings. In addition, SCCIC recommended that the Native American Heritage Commission (NAHC) be consulted to identify traditional cultural properties or sacred sites known in the project area. Based on this recommendation, EPA contacted the California NAHC to conduct a Sacred Lands File (SLF) search and obtain a Native American Contacts List for the project. The NAHC responded on November 18, 2021 that the SLF search did not identify any sacred lands in or near the project location, but requested that EPA contact nine tribal representatives regarding the potential effect of the project on tribal resources. EPA contacted a total of nine tribal officials by letter on February 11, 2022.

EPA received three responses from the Quechan Tribe of Fort Yuma Reservation, San Manuel Band of Mission Indians and the Fernandeno Tataviam Band of Mission Indians. The Quechan Tribe of Fort Yuma Reservation e-mailed that they have no comments and deferred to more local tribes. The Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians did not have any concerns with the proposed action as described in the correspondence. They requested that the proposed action incorporate mitigation measures regarding inadvertent discoveries. EPA coordinated with the tribes to develop mitigation measures to be incorporated into the grant documentation. Mitigation measures are included in Attachment B.

On May 11, 2022, EPA submitted a letter to the State Historic Preservation Officer (SHPO) to initiate National Historic Preservation Act Section 106 consultation and to seek concurrence on a determination of "no historic properties affected." On June 7, 2022, the SHPO responded that they do not object to a finding of no historic properties affected for this undertaking and have no further comments.

(5) The proposed action is not known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.

(6) The proposed action is not known or expected to cause significant adverse air quality effects. EPA has determined that the total direct and indirect emissions for the proposed action will be below the applicable *de minimis* thresholds (40 CFR § 93.153). The project site is located in a severe nonattainment area for ozone (per the 2008 and 2015 standards), and the *de minimis* emissions limit for ozone (i.e., ozone precursor pollutants—volatile organic compounds and nitrogen oxides) in severe nonattainment areas is 25 tons per year. Combustion emissions associated with construction vehicles and equipment will be minimal and expected to be well below *de minimis* levels due to the minor construction required and anticipated short-term duration of construction. Fugitive dust emissions during construction will be minimized, in accordance with South Coast Air Quality Management District Rule 403, through the use of best available dust control measures during active operations that are capable of generating fugitive dust.

(7) The proposed action is not known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population, including altering the character of existing residential areas, and is consistent with land use plans approved by a state, local government or federally-recognized Indian tribe and federal land management plans.

(8) The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.

(9) The proposed action is not known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.

(10) The proposed action is not known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

## **Finding**

EPA finds that the proposed action conforms to the category of action eligible for exclusion from detailed environmental review under 40 CFR § 6.204 and will not involve any extraordinary circumstances. Accordingly, EPA will not prepare either an environmental impact statement or an environmental assessment for the proposed project. EPA may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

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Tomás Torres  
Director, Water Division

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August 11, 2022  
Date



# Attachment A: Federal Cross-Cutting Authorities Review

**Table 1. Summary of Applicability of Federal Cross-cutting Authorities to the Project**

Federal Cross-cutting Authority	Rationale for Applicability	Applicable Requirements
<i>Applicable cross-cutters with consultation requirements</i>		
Endangered Species Act (16 U.S.C. §§ 1531 <i>et seq.</i> )	Federally listed species potentially present	Consult with USFWS if the project could affect federally listed threatened or endangered species
National Historic Preservation Act (16 U.S.C. § 470) and Archeological and Historic Preservation Act (16 U.S.C. § 469-469c-1)	EPA must identify and assess the potential for the project to affect historic resources	Consult with the California Office of Historic Preservation and appropriate tribal entities if the project could affect historic properties or tribal resources
<i>Applicable cross-cutters with no consultation requirements</i>		
Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668C)	Species protected under this authority have the potential to occur in the vicinity	Include mitigation measures, as appropriate, in coordination with USFWS
Clean Air Act Conformity (42 U.S.C. §§ 7401 <i>et seq.</i> )	The project is located within a severe non-attainment area for ozone (per the 2008 and 2015 8-hour standards)	Document that emissions are below <i>de minimis</i>
Executive Order No. 12898 (1994) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	Analysis of environmental effects of proposed actions on minority and low-income communities is required in NEPA	Document that the project will not have a disproportionately high and adverse impact on minority populations or low-income populations
Migratory Bird Treaty Act (16 U.S.C. §§ 703-712)	Species protected under this authority have the potential to occur in the vicinity.	Include mitigation measures, as appropriate, in coordination with USFWS
Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 <i>et seq.</i> )	Applies only in the event of discovery of human remains or cultural items	Adhere to mitigation measures that resulted from the Section 106 process and comply with any state or local laws
<i>Non-applicable cross-cutters</i>		
Archaeological Resources Protection Act (16 U.S.C. §§ 470AA-MM)	The project is not located on federal or Indian lands	None.
Clean Water Act: Section 401 (33 U.S.C. § 1341)	The project will not result in the discharge of pollutants	None
Clean Water Act: Section 402 National Pollutant Discharge Elimination System (33 U.S.C. § 1342)	The project will not result in the discharge of pollutants	None
Clean Water Act: Section 404 (33 U.S.C. § 1344)	The project will not impact wetlands	None
Coastal Barriers Resources Act (16 U.S.C. §§ 3501 <i>et seq.</i> )	The project is not located near any coastal barrier resources	None
Coastal Zone Management Act (16 U.S.C. §§ 1451 <i>et seq.</i> )	The project is not located in coastal zone	None
Executive Order No. 11988 (1977), Flood Plain Management, as amended by Executive Order No. 12148 (1979)	The project is not located in a 100-year floodplain	None
Executive Order No. 11990 (1977), Protection of Wetlands, as amended by Executive Order No. 12608 (1997)	The project is not located within 100 feet of a wetland	None

**Table 1. Summary of Applicability of Federal Cross-cutting Authorities to the Project**

Federal Cross-cutting Authority	Rationale for Applicability	Applicable Requirements
Farmland Protection Policy Act (7 U.S.C. §§ 4201 <i>et seq.</i> )	The project is located within an urban/urbanized area per Census, USGS, and/or USDA maps	None
Fish and Wildlife Coordination Act (16 U.S.C. § 661 <i>et seq.</i> )	The project will not impound, divert, or modify water bodies or streams.	None
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 <i>et seq.</i> )	The project will not impact essential fish habitat	None
Marine Mammal Protection Act (16 U.S.C. § 1361)	The project will not impact marine mammals or their habitat	None
Rivers and Harbors Act: Section 10 (33 U.S.C. § 403)	The project will not involve work occurring in navigable waters	None
Rivers and Harbors Act: Section 14 (33 U.S.C. § 408)	The project will not impact any Army Corps of Engineers civil works projects	None
Safe Drinking Water Act (42 U.S.C. §§ 300f <i>et seq.</i> )	The project is not located above a Sole Source Aquifer	None
Wild and Scenic Rivers Act (16 U.S.C. §§ 1271 <i>et seq.</i> )	The project will not impact a designated river or congressionally authorized study river	None
The Wilderness Act (16 U.S.C. §§ 1131 <i>et seq.</i> )	The project is not located in a wilderness area	None

## Attachment B: Mitigation measures

### Treatment of Cultural Resources

#### Cultural Resources

1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, all consulting tribes, shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
2. If significant pre-contact and/or post-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to all consulting tribes for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

#### Tribal Cultural Resources (TRC)

1. All consulting tribes shall be contacted, as detailed in CR-1, of any pre-contact and/or post-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find so as to provide Tribal input with regards to significance and treatment. Should the discovery be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with all consulting tribes, and, all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to represent all consulting tribes for the remainder of the project, should all consulting tribes elect to place a monitor on-site.
2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to all consulting tribes. The Lead Agency and/or applicant shall, in good faith, consult with all consulting tribes throughout the life of the project.