

January 10, 2025

A. Cory Schiestel, P.E.
City of Placerville Engineering Department
3101 Center Street
Placerville, CA 95667

RE: Response to Public Comments for the Sewer Line Relocation – Clay Street to Locust Avenue Project
IS/MND

Dear Mr. Schiestel,

1. Introduction

This memorandum provides a summary of the comments received during the public review period for the Initial Study and Mitigated Negative Declaration (IS/MND) for the Sewer Line Relocation – Clay Street to Locust Avenue Project and the efforts taken to address public comments. The public review period for the project started November 20, 2024 and closed December 23, 2024. A total of two responses were received during the public review period. A third response was received four days after the public review period, on December 27, 2024. Section 2 provides a list of all written correspondence received during the public review period; Section 3 provides a list of written correspondence received after the public review period; and Section 4 provides a written response to the individual comments. A copy of each comment correspondence received by the City is attached to the Final IS/MND in Appendix C.

2. Public Comments Received on the Draft Initial Study/ Mitigated Negative Declaration (IS/MND) by December 23, 2024

Letter 1: Central Valley Regional Water Quality Control Board, Peter Minkel, Engineering Geologist, December 17, 2024. This letter addressed the Central Valley Regional Water Quality Board's concerns regarding the protection of surface and groundwater quality.

Email 1: California Department of Fish and Wildlife, North Central Region – Region 2, Caitlyn Oswald, Environmental Scientist, December 20, 2024. This email documented CDFW concerns about mitigation language for wildlife and restoration/revegetation efforts included in the IS/MND.

3. Public Comments Received on the Draft Initial Study/ Mitigated Negative Declaration (IS/MND) after December 23, 2024

Email 2: United Auburn Indian Community, Anna M. Starkey, Cultural Regulatory Manager, December 27, 2024. This email with attachments documented UAIC concerns regarding potential tribal cultural resources identification and evaluation, and tribal cultural resources protection and treatment recommendations and stewardship of resources during construction activities.

4. Responses to Written Comments

Response to comments submitted by Central Valley Regional Water Quality Control Board (Letter #1).

NO	Comment/ Recommendation	Response
<p>Peter Minkel Water Resource Engineer for the Central Valley Regional Water Quality Control Board</p>		
1	<p>Basin Plan: The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act: Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans.</p>	<p>This comment provides an overview of the Central Valley Regional Water Quality Control Board (RWQCB) regulatory setting and the Basin Plan. The IS/MND is not required by CEQA to contain a regulatory setting; however, the IS/MND determined that a less-than-significant impact will occur to conflicting or obstructing the implementation of a water quality control plan or sustainable groundwater management plan, which in this case refers to the Basin Plan. No revisions to the IS/MND are warranted based on this comment.</p>
2	<p>Antidegradation Considerations: All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan.</p>	<p>This comment provides an overview of the RWQCB regulatory setting and the Basin Plan. The IS/MND is not required by CEQA to contain a regulatory setting; however, the IS/MND identifies the existing water quality in Hangtown Creek at the project area is low.</p> <p>The proposed project is subject to Construction General Permit and National Pollution Discharge Elimination (NPDES) permit requirements, which require preparation and implementation of a SWPPP to protect water quality during project construction. The IS/MND determines impacts to be less than significant. No revisions to the IS/MND are warranted based on this comment.</p>

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3	<p>Construction Storm Water General Permit: Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ.</p>	<p>The General Construction Activity Stormwater Discharge Permit Notice of Intent will be filed upon contract award. The project contractor will comply with the requirements of the NPDES permit from the RWQCB, Central Valley Region, which includes the incorporation of the BMPs and the implementation of the SWPPP.</p>
4	<p>Clean Water Act Section 404 Permit: If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE).</p>	<p>A Clean Water Act Section 404 Nationwide Permit will be obtained prior to construction from the U.S. Army Corps of Engineers (USACE). The application to USACE will follow the approval of the IS/MND. No revisions to the IS/MND are warranted based on this comment.</p>
5	<p>Clean Water Act Section 401 Permit – Water Quality Certification: If an USACE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.</p>	<p>A Clean Water Act Section 401 Water Quality Certification will be obtained prior to construction. The application to the RWQCB, Central Valley Region, will follow the approval of the IS/MND. No revisions to the IS/MND are warranted based on this comment.</p>
6	<p>Waste Discharge Requirements – Discharges to Waters of the State: If USACE determines that only non-jurisdictional waters of the State are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.</p>	<p>A WDR is not anticipated. The proposed project will obtain a Section 401 Water Quality Certification. If the Central Valley RWQCB determines that a WDR permit is required, the City will comply with the WDR. No revisions to the IS/MND are warranted based on this comment.</p>
7	<p>Dewatering Permit: If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley</p>	<p>The creek diversion system and subsequent site dewatering will be designed in conformance with City specifications and regulations as required by the Central Valley RWQCB, California Department of Fish and Wildlife (CDFW),</p>

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	Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.	and the US Fish and Wildlife Service (USFWS). All discharges from dewatering will adhere to the requirements of the General Waste Discharge Requirements/NPDES Permit for Dewatering and Other Low Threat Discharges to surface Waters. No revisions to the IS/MND are warranted based on this comment.
8	If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit.	See response to Comment 7
9	If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit.	See response to Comment 7

Response to comments submitted by California Department of Fish and Wildlife (Email #1).

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<p>Caitlyn Oswalt Environmental Scientist</p>		
1	<p>Issue: Work in the flowing portion of the Hangtown creek could cause turbidity, siltation, or pollution downstream. Flows downstream should be provided during all times that the natural flow would have supported aquatic life. Said flows should be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.</p> <p>Recommendation: CDFW recommends if work in the flowing portion of the creek is unavoidable, the entire creek flow should be diverted around or through the work area during the excavation and/or</p>	<p>Section 2.4 Proposed Project of the Final IS/MND has been revised to better clarify that a temporary cofferdam will be installed, and temporary creek flows will be diverted as necessary during project construction. Additional detail on the temporary cofferdam and stream conversion has been added to Section 2.4, Proposed Project, of the Final IS/MND</p>

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	<p>construction operations. Creek flow should be diverted using gravity flow through temporary culverts/pipes/k-rails or pumped around the work site with the use of hoses. When a temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water should at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Section 5937 of the Fish and Game Code. Any temporary dam or other artificial obstruction constructed should only be built from clean materials such as, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. The City should divert flow in a manner that prevents turbidity, siltation, or pollution and provides flow downstream.</p>	<p>(consistent with CDFW’s recommendation). This clarification does not change the analysis of the IS/MND and does not change the impact conclusions identified. The clarifying language is as follows: <u>“The cofferdam would provide sufficient water at all times to pass downstream to maintain aquatic life below the temporary structure and would be built from clean materials such as gravel bags, water dams, or clean/washed gravel causing little or no siltation. The creek flow would be diverted using gravity flow through temporary means, including but not limited to, culverts/pipes/k-rails or pumped around the work site using hoses. The temporary cofferdam and creek diversion would prevent turbidity, siltation, or pollution in downstream areas.”</u></p>
2	<p>Issue: During construction, the proposed project would potentially have an impact on nesting birds along Hangtown Creek. Recommendation: CDFW recommends if project-related activities are scheduled between February 1 to August 31, a focused survey for nests should be conducted by a Designated Biologist prior to the beginning of Project-related activities. The Designated Biologist should survey a minimum radius of 500-feet (for migratory birds) and 1/2-mile (for raptors) around the Project area that can be accessed by the Project proponent. If an active nest is found, active nests should be avoided, and a no disturbance or destruction buffer should be determined and established by a Designated Biologist. The buffer should be kept in place until after the breeding nesting season or the Designated Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers</p>	<p>If construction is scheduled to occur during the nesting season, the project will comply with Standard Condition 4 (listed in Section 4.2.1 of the Final IS/MND). Standard Condition 4 states that preconstruction surveys for nesting birds will be conducted by a qualified biologist seven days prior to the commencement of construction activities. If nesting birds are determined to be in the project area, an appropriate no-work buffer will be established by a qualified biologist.</p>

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	<p>should be determined by the Designated Biologist and will depend on the 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.</p>	
<p>3</p>	<p>Issue: The IS/MND has identified Project activities that will require notification to CDFW pursuant to Section 1602 of the Fish and Game Code. Notification is required for any activity that may do one or more of the following:</p> <ul style="list-style-type: none"> a. Substantially divert or obstruct the natural flow of any river, stream, or lake; b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or c. Deposit debris, waste, or other materials where it may pass into any river, stream, or lake. <p>Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.</p> <p>Recommendation: CDFW recommends the City submit a notification pursuant to Section 1602 of the Fish and Game Code. Upon receipt of a complete notification, CDFW will determine if the Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. The Project as currently proposed in the IS/MND will require an LSA Agreement. An LSA Agreement will include measures necessary to protect existing fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, the IS/MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, minimization, mitigation, and monitoring and reporting commitments.</p>	<p>The City will obtain a Section 1602 Streambed Alteration Agreement, prior to the commencement of construction activities and after approval of the proposed project and certification of the IS/MND, as identified in Final IS/MND Table 2-2 Permits and Approvals Needed. Once obtained, the City will comply with the requirements of the Section 1602 Permit.</p> <p>Regarding project impacts, Section 4.2 Biological Resources, provides a discussion of impacts to biological resources. Specifically, Section 4.12.4 Question c, identifies 0.01 acre of wetland and non-wetland surface waters will be permanently impacted by the project. Mitigation Measures BIO-1 through BIO-3 will be implemented to reduce adverse effects on Hangtown Creek. This analysis, along with the implementation of the Standard Conditions and the Mitigation Measures can be used by CDFW to facilitate issuance of an LSA Agreement and CDFW CEQA review.</p>

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4	<p>Environmental Data CEQA requires that information developed in mitigated negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB).</p>	<p>Six field surveys were conducted as part of the IS/MND; no special-status species were observed in the project area. During pre-construction surveys, if special-status species are identified, the information will be submitted to CDFW. No revisions to the IS/MND are warranted based on this comment.</p>
5	<p>Filing Fees The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)</p>	<p>Once the project is approved by the City, the City will file the Notice of Determination and the Final IS/MND with the El Dorado County Recorder-Clerk Office. At the time of filing, the City will pay the CDFW filing fee. No revisions to the IS/MND are warranted based on this comment.</p>
6	<p>Conclusion Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Ancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.</p>	<p>The City acknowledges, and will comply with, the requirements of Public Resource Code § 21092 and § 21092.2. No revisions to the IS/MND are warranted based on this comment.</p>

Response to comments submitted by United Auburn Indian Community (Email #2).

NO	Comment/ Recommendation	Response
<p>Anna M. Starkey, M.A., RPA Cultural Regulatory Manager</p>		
1	<p>We checked all of our records and nothing that show we were notified to consult on this project. Unless the signed certified letter never made it to our department, I have no way of knowing.</p>	<p>Tribal letters were sent per AB 52 dated March 1, 2023. Upon identifying a potential resource, updated letters were sent dated July 29, 2024. Return receipt postcards were received from</p>

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		the UAIC for both the 2023 and 2024 letters. No responses, concerns, or requests for consultation were received during the 30-day AB 52 consultation (both 2023 and 2024). No revisions to the IS/MND are warranted based on this comment.
2	That said, the TCR chapter is very flawed. I've included our preferred mitigation measures and chapter recommendations. Since an archaeologist will be present to monitor near the site, a UAIC certified tribal monitor should also be compensated to monitor since it is an indigenous cultural site and TCR.	The Cultural and Tribal Cultural Sections of the IS/MND have been revised to clarify the mitigation measures for tribal cultural resources and the identification of roles and responsibilities.
3	UAIC has identified Tribal Cultural Resources (TCR) within the project area or has identified the project area as sensitive for buried TCRs, not yet identified. Public Resources Code (PRC) § 21074 defines TCRs and states that the TCR must be eligible or potentially eligible for inclusion in the California Register of Historical Resources based on substantial evidence. Only geographically and culturally affiliated Tribes have the knowledge and expertise to determine if a resource is a TCR, for both identification and evaluation purposes. Remember that tribal expertise and knowledge constitutes substantial evidence - California Health and Safety Code 8012 (k)(p). Evaluation and treatment of TCRs are considered on a project-by-project basis.	The acknowledgement of the TCR by UAIC has been added to Sections 4.13.4 ad 4.13.5.
4	UAIC has provided to you (or will provide) our recommendations and mitigation measures for the TCR chapter for this project. We ask that the Cultural Resources chapter and mitigation measures that address historic, cultural, or archaeological resources are not combined with the TCR chapter and mitigation measures. These two chapters should be separate and distinct from each other. In other words, Cultural Resources mitigation measures should not be copied and pasted as TCR mitigation measures. This is because Tribal values and knowledge identify , evaluate, protect, and provide treatment recommendations and stewardship of TCRs. Archaeological values apply to	Measures regarding unanticipated discoveries and cultural and tribal cultural resources monitoring were provided in Section 4.3 Cultural Resources. The measures (Standard Conditions and Mitigation Measures) have been rearranged per UAIC comments to separate cultural/historic era resources from tribal cultural resources. To protect tribal values and knowledge, TCR roles have been delineated in

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	<p>archaeological resources, which are discussed in the cultural resources chapter. Separating the chapters positions Tribes in a contemporary context, especially when consulting under AB 52 (see No. 5 below).</p>	<p>Section 4.13.1 Standard Conditions, as well as in Mitigation Measures TCR-1 and TCR-2, to identify, evaluate, protect, and provide treatment recommendations and stewardship of the resource during construction activities. Therefore, no new measures were created (only clarified), no changes in the analysis are warranted, no new information is provided, and no changes to impact conclusions result from these revisions.</p>
<p>5</p>	<p>Regarding use of ‘prehistoric’: While the wording has not been replaced in the state Department of Parks and Recreation (DPR) documents, the use of the word prehistoric to describe indigenous cultural sites is both pejorative and inaccurate. It implies that written Euro-American ‘history’ in the form of writing in some way supersedes traditional Indigenous oral histories in terms of veracity. It also assumes (often) that anything identified as Indigenous occurred prior to the colonization of the continent by Europeans. We recommend using the word ‘indigenous’ instead of prehistoric in both the TCR and Cultural Resources Chapters and associated reports. If the site/s have been dated using either empirical or relative methods (obsidian hydration, C¹⁴ dating, or artifact seriation), the site can be called ‘Miwok, Maidu, or Nisenan’, as appropriate.</p>	<p>The reference to prehistory in the phrase “the Secretary of the Interior’s Professional Qualification Standards for prehistoric or historic archaeology” has been revised to read “the Secretary of the Interior’s Professional Qualification Standards for archaeology.” The use of the word “prehistory” is only in portions of the IS/MND that quote either the CEQA Guidelines Appendix G Checklist or the California Register criteria. There are no other uses of the term “prehistoric.”</p>
<p>6</p>	<p>The following text should be included in the methods section in the TCR chapter. The purpose is to demonstrate how UAIC identifies TCRs. If a UAIC Tribal Representative conducted a project site visit to identify TCRs or potential TCRs, that should also be included in the paragraph below (the need for project site visits is determined on a project-by-project basis). Note, archaeologists do not possess the expertise to identify, evaluate and treat TCRs (PRC Section 21080.3.1 (a)): <i>UAIC conducted background research for the identification of Tribal Resources for this project which included a review of pertinent literature,</i></p>	<p>The information regarding the UAIC THRIS database has been added to Section 4.13.3.1 Record Searches.</p>

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	<p><i>historic maps, and a records search using UAIC’s Tribal Historic Information System (THRIS). UAIC’s THRIS database is composed of UAIC’s areas of oral history, ethnographic history, and places of cultural and religious significance, including UAIC’s Sacred Lands that are submitted to the Native American Heritage Commission (NAHC). The THRIS resources shown in this region also include previously recorded indigenous resources identified through the California Historic Resources Information System Center (CHRIS) as well as historic resources and survey data.</i></p>	
7	<p>We recommend that the following paragraph be included in the TCR chapter background section, which discusses UAIC in a modern context, as the Maidu and Miwok people are a contemporary and thriving community.</p> <p><i>The United Auburn Indian Community (UAIC) is a federally recognized Tribe comprised of both Miwok and Maidu (Nisenan) Tribal members who are traditionally and culturally affiliated with the project area. The Tribe has a deep spiritual, cultural, and physical ties to their ancestral land and are contemporary stewards of their culture and landscapes. The Tribal community represents a continuity and endurance of their ancestors by maintaining their connection to their history and culture. It is the Tribe’s goal to ensure the preservation and continuance of their cultural heritage for current and future generations.</i></p>	<p>This paragraph has been added to Section 4.13.4.3 Tribal Consultation Results.</p>

Sincerely,



Christa Redd
 Associate, Senior Environmental Scientist