Draft Initial Study/Supplemental Environmental Assessment with Proposed Mitigated Negative Declaration

Accelerated Drought Response Project

San Benito County Water District

February 2025

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Acronyms and Abbreviations

ADRoP	Accelerated Drought Response Project
AFY	Acre-Feet Per Year
ASR	Aquifer Storage and Recovery
BA	Biological Assessment
Basin Plan	Central Coastal Basin Water Quality Control Plan
BAT	Best Available Technology
BCC	Birds of Conservation Concern
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CHSC	California Health and Safety Code
CMU	Concrete Masonry Unit
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRHR	California Register of Historical Resources
CRLF	California Red-Legged Frog
CSCP	Construction Stormwater Control Plan
CUPA	Certified Unified Program Agency
CVP	Central Valley Project
CWA	Clean Water Act
Delta	Sacramento–San Joaquin Delta
DOC	California Department of Conservation
DPM	Diesel Particulate Matter
EA	Environmental Assessment
EIR	Environmental Impact Report
EO	Executive Order
FESA	Federal Endangered Species Act
FC	Federal Candidate
FCAA	Federal Clean Air Act
FE	Federally Endangered
FHWA	Federal Highway Administration
FT	Federally Threatened for listing
FP	State Fully Protected
FPPA	Farmland Protection Policy Act
GHG	Greenhouse Gas
HCP	Habitat Conservation Plan
HDPE	High-Density Polyethylene
IS/MND	Initial Study/Mitigated Negative Declaration
LSAA	Lake or Streambed Alteration Agreement
M&I	Municipal and Industrial

MBTA	Migratory Bird Treaty Act
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MGD	Million Gallons Per Day
NAAQS	National Ambient Air Quality Standards
NCCAB	North Central Coast Air Basin
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHP	Office of Historic Preservation
OPR	Office of Planning Research
PJD	Preliminary Jurisdictional Determination
PRC	Public Resources Code
RWPS	Raw Water Pump Station
RWQCB	Central Valley Regional Water Quality Control Board
SBCWD	San Benito County Water District
SBUA	San Benito Urban Area
SHPO	State Historic Preservation Officer
SJR	San Justo Reservoir
SLR	San Luis Reservoir
SR	State Route
SSC	State Species of Special Concern
TAC	Toxic Air Contaminant
TCR	Tribal Cultural Resource
TDS	Total Dissolved Solids
TQ	Threshold Quantities
SWPPP	Storm Water Pollution Prevention Plan
USA	Underground Service Alert
USBR	U.S. Bureau of Reclamation (or Reclamation)
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	Underground Storage Tank
WHWTP	West Hills Water Treatment Plant

1 Introduction

1.1 Project Background

The California Environmental Quality Act (CEQA) applies to discretionary projects, meaning the state or local agency approving the project (e.g., San Benito County Water District) needs to exercise its judgment when deciding whether to approve the project. The National Environmental Policy Act (NEPA) applies to actions undertaken by a federal agency, including actions on private lands which are reliant on a federal authority (e.g., U.S. Bureau of Reclamation) for funding. This Initial Study/Supplemental Environmental Assessment (IS/SEA) addresses the potential environmental impacts of the Accelerated Drought Response Project (proposed Project) in accordance with the California Environmental Quality Act (CEQA). Because the project is proposed to be funded by the US Bureau of Reclamation (USBR), the proposed funding (proposed Action) is evaluated in accordance with the National Environmental Policy Act (NEPA).

In 2014, to comply with CEQA, an Environmental Impact Report (EIR) was prepared for the West Hills Water Treatment Plant Project (WHWTP). In 2015, to comply with NEPA, Reclamation prepared an Environmental Assessment (EA) for the same project (USBR 2015). The WHWTP was constructed in 2017 and is owned by SBCWD. With the currently proposed expansion, the WHWTP capacity would be increased from 4.5 MGD to 6.75 MGD. While this expansion would be implemented during the ADRoP, the potential environmental effects of the expansion were assessed by the 2014 EIR and 2015 EA.

The 2014 EIR analyzed construction and operation of the WHWTP, a raw water pump station, and raw and treated water transmission pipelines. WHWTP facilities were analyzed for an initial design capacity of 4.5 to 6 MGD, with the potential for a future design expansion to 9 MGD. The project included water being pumped from the Hollister Conduit to the plant by the proposed raw water pump station. SBCWD filed a Notice of Determination in April 2024 finding that the 2014 EIR adequately addressed the environmental impacts of the WHWTP expansion included in the ADRoP.

The 2015 EA primarily focused on the authorization of San Benito County Water District to make a connection to the Hollister Conduit for the purpose of delivering Central Valley Project (CVP) water to a newly constructed WHWTP. It assessed the impacts of the construction of a raw water pump station and raw water pipeline conveying water from the Hollister Conduit to the WHWTP, along with construction of the WHWTP itself, consisting of treatment and solids handling facilities, treated water storage tanks, and an administrative and office building. The 2015 EA noted that the WHWTP would initially treat 4.5 to 6 MGD of raw water, with potential expansion of treatment capacity to 9 MGD. Improvements also would include new pipelines installed within the footprint of Richardson Road, a private easement north of the treatment plant site, Riverside Road, and Nash Road.

Both the 2014 EIR and 2015 EA found that construction and ultimate expansion of the WHWTP to 9 MGD would have no significant environmental effects. Due to previous environmental determinations made for this component of the ADRoP, the WHWTP expansion will not be further analyzed in this document under CEQA or NEPA. The SEA is being prepared for other aspects of the proposed Action (e.g., ASR wells and pipelines) that were not otherwise addressed in the 2015 EA.

1.2 Purpose and Need for Project

Section 1604 authorizes Federal cost-sharing in water reuse projects up to 50 percent of the total eligible pre-construction planning costs. If the Proposed Project is authorized for construction, USBR

would provide grant funding to pay for a portion of its design and construction. This constitutes the Proposed Action for the purposes of NEPA. The Accelerated Drought Response Project (ADRoP) is the first phase of a larger ASR project addressing water supply deficits in the San Benito Urban Area (SBUA). The ASR project, including ADRoP, is designed to capture excess surface water in wet years and store it in the aquifer for later use during drought years. Under a contract with USBR, the SBCWD imports surface water via the Central Valley Project (CVP), which consists of reservoirs, canals, and pumping stations, to meet agricultural (Ag) and M&I water demand in its service area. Once imported, the M&I water is treated at local water treatment plants and is distributed to the City of Hollister and Sunnyslope County Water District (Sunnyslope).

The 2022 Master Plan (SBCWD 2023), an updated San Benito Urban Area Water Supply and Treatment Plan, explored the dependability of the existing CVP supply and concluded that a supply deficit exists during dry years. The plan evaluated various alternatives that would enhance water supply resilience, with options focused on storing surplus water from wet years for later utilization during drought years. ASR was selected as the best alternative.

Other than reduced imported supply during dry years when CVP allocations are limited, local groundwater is extracted and used from municipal wells owned by Hollister, Sunnyslope, and San Juan Bautista. This local groundwater has higher levels of hardness, salts, hexavalent chromium, and, in some cases, nitrate. This affects the quality of treated water during dry years when a larger proportion of the demand is met with groundwater. Additionally, in dry years, SBCWD is forced to buy water from the spot market at a higher price, exceeding 4,000% of normal water expenses. These expenses are passed on to water users, resulting in concerns about water affordability in the communities. The ADRoP Project, which is the Proposed Project under CEQA, aims to address this issue by delivering water with consistent quality. The ADRoP Project is specifically designed to meet the needs of the Basin and directly aligns with specific sustainability goals of the District.

1.3 Purpose and Organization of this Report

The proposed Project is a discretionary action under the California Environmental Quality Act (CEQA) Guidelines Section 15357. It would be partially funded by federal grants (under Title XIV). As such, this funding is a proposed Action subject to the requirements of NEPA. Therefore, a joint environmental document has been prepared in accordance with both CEQA and NEPA requirements. SBCWD is \the lead agency for CEQA compliance in the preparation of the expanded Initial Study and Mitigated Negative Declaration (IS/MND), and USBR is the lead agency for NEPA compliance in the preparation of the current Supplemental Environmental Assessment (SEA). This joint environmental document publicly discloses the environmental consequences and potential impacts/effects of the proposed Project, alternatives to the proposed Action as required by NEPA, and ways to minimize identified adverse effects.

Chapter 2 describes the No Action Alternative (i.e., no funding by Reclamation) and the proposed Project (made up of the proposed Project, SBCWD-sponsored facilities and improvements, and the proposed Action [Reclamation-sponsored funding]). Chapter 3 describes the environmental setting/affected environment and the environmental impacts/environmental consequences (effects) associated with implementation of the proposed Project/Action. Chapter 4 provides a summary of the consultation and coordination that occurred during preparation of this IS/SEA. Chapter 5 includes the references that are cited in this document. Chapter 6 provides appendices to this report. In order to keep this report as concise as possible, all Environmental and Regulatory Settings can be found in Appendices C and D, respectively.

2 Proposed Action and Proposed Project

2.1 Proposed Action

The proposed Action is the partial funding by USBR of the ADRoP project. The proposed Action by itself would not generate significant environmental impacts; however, the construction and operation of the ADRoP project could have potentially significant impacts.

2.2 No Action Alternative

Although not required, it is Reclamation's practice to include a "No Action Alternative" to provide an appropriate basis by which other alternatives are compared. For the purposes of this Project, the No Action Alternative would still include portions of the proposed Project discussed in the 2015 EA prepared for the WHWTP; which covered the authorization of San Benito County Water District to connect to the Hollister Conduit for the purpose of delivering CVP water to a the WHWTP, in addition to new pipelines installed within the footprint of Richardson Road, a private easement north of the treatment plant site, Riverside Road, and Nash Road.

Because Reclamation is providing partial funding for the project, the No Action Alternative would consist of Reclamation not contributing funding toward the proposed Action. Without partial funding by Reclamation, it is expected that SBCWD would still move forward with the ADRoP Project as described, through other budgetary arrangements. The No Action Alternative would not have any significant environmental effects, and therefore no further analysis is necessary in this document.

2.3 Proposed Project Overview

The San Benito County Water District (SBCWD) proposes to expand the West Hills Water Treatment Plant (WHWTP) near the City of Hollister, construct five Aquifer Storage and Recovery (ASR) wells, and install new pipelines for recharge water transmission from the City of Hollister to the proposed ASR wells and recovery water from ASR wells to the City's distribution system (Figure 2-1). The proposed Project would have the capacity to inject, store, and recover up to 2,700 acre-feet per year (AFY) of water. The WHWTP has a current design capacity of 4.5 MGD with an annual average flow of 2.25 MGD. The proposed Project would expand WHWTP capacity from 4.5 million gallons per day (MGD) to 6.75 MGD. The WHWTP expansion would be based on retaining the same processes and system design as currently utilized. The WHWTP would be expanded within its existing developed footprint, while the ASR wells would be newly installed on private lands in an agricultural area northeast of the City of Hollister. Transmission pipelines and connections to distribution pipelines will be established along public rights-of-way.

2.4 Proposed Project Objectives

As documented in the 2022 Master Plan, SBCWD can utilize approximately 6,000 AFY of unused CVP supply in wet years (25% of years) through ADRoP. Implementing ADRoP would:

- Enable the full utilization of CVP supplies
- Address water deficits during dry years
- Provide desired water quality

Figure 2-1: Project Location

- Support sustainable groundwater basins
- Improve resilience to climate change impacts
- Promote water affordability

In response to prolonged periods of drought, the proposed Project has been reconfigured since the 2021 Groundwater Sustainability Plan (SBCWD 2021) and 2022 Master Plan (SBCWD 2023), with an accelerated timeline. The changes were documented under the 'Summary of Accelerated Drought Response Project' Technical Memorandum (Appendix C of 2022 Master Plan).

2.5 Existing and Proposed Facilities

The WHWTP was constructed in 2017 and is operated by SBCWD. The Hollister Conduit conveys untreated CVP water from San Luis Reservoir to San Benito County via a large diameter pipeline (42 to 60 inch). The raw water pump station (RWPS), located at a site adjacent to Union Road, is currently sized to deliver a range of flows from 1 to 4.5 MGD. The SBCWD has a current design capacity of 4.5 MGD with an annual average flow of 2.25 MGD. The WHWTP receives CVP water from the San Justo or San Luis Reservoir, depending on the time of year, to the plant via the 42- to 60-inch-diameter Hollister Conduit pipelines. San Luis Reservoir (SLR) is typically used during January and February and the San Justo Reservoir (SJR) is used during the rest of the year.

2.5.1 WHWTP Expansion

The proposed Project includes construction of five ASR wells, expansion of WHWTP, and the installation of new pipelines for water transmission. The proposed Project would have the capacity to inject, store, and recover up to 6,000 AFY of water. The proposed Project would expand the capacity of the WHWTP from 4.5 MGD to 6.75 MGD. The WTP expansion would be based on retaining the same processes and system design as currently utilized. This would be accomplished by the following design elements to be located within the footprint of the existing WTP:

- One new 2.25 MGD raw water pump added to the existing raw water pump station (RWPS)
- One new 3.0 MGD automatic strainer
- One new 4.5 MGD ballasted clarification pretreatment
- One new 2.25 MGD dual media gravity filter
- Chemical feed and storage facilities:
    - One 2,500-gallon sulfuric acid storage tank
    - One 6,650-gallon sodium hydroxide storage tank
- One new solids drying bed sized for the 2.25 MGD expansion

These design elements would not expand the physical footprint of the WHWTP and would be placed within existing areas of gravel and/or aggregate base. The WHWTP site can be seen in Figure 2-2.

Photos of the proposed WTP equipment can be seen in Figure 2-3 and Figure 2-4.

Figure 2-2: WHWTP Site Layout

Figure 2-3: 2.25 MGD Raw Water Pump Added to the Existing Raw Water Pump Station (RWPS)

Figure 2-4: 2.25 MGD Dual Media Gravity Filter

2.5.2 ASR Wells and Outfalls

Five ASR wells would be constructed as part of the proposed Project. Figure 2-5 shows the location of the proposed ASR wells. ASR is the recharge of aquifers through direct injection of water into the aquifer. A typical ASR cycle consists of recharge, shut-in, and recovery, with each phase lasting from months to years depending on the conditions of local aquifers and demands. The long-term full cycle of ASR operation would be a 10-month recharge period, followed by one to five years of storage with the well shut-in, followed by a minimum of 12-month recovery period that could be spread over multiple dry years.

Each ASR well site would consist of a well, a vertical turbine, line shaft pump, hollow shaft motor, piping, and appurtenances set up on a concrete pad. The discharge head assembly and wellhead piping would sit on a concrete pad and the remaining site would be paved with vehicular gravel allowing driving access surrounding all above-grade site features. Figure 2-6 shows the basic site plan for each ASR well site. Electricity to the well sites would be provided via underground medium voltage lines. No overhead utility lines are proposed. The well sites would be spaced at least 1,500 feet apart from one another, as well as 1,500 feet from any existing groundwater wells. Each ASR well site would occupy 0.3 acres surrounded by an 8-foot-high intruder resistant fence for security purposes. Each well site will be placed on fill at least 1 foot above the FEMA 100-year floodplain elevation. As shown in Figure 2-5, all five ASR well sites have been sited within the farmlands surrounding the Fallon Road area north of the City of Hollister.

Four of the ASR well sites would be located north of Fallon Road, while the fifth site would be located to the south of Fallon Road. Each well site would be located within existing agricultural fields along unincorporated County roads. The wells were sited in consultation with landowners to minimize impacts to ongoing agricultural activities.

As shown on Figure 2-5, each ASR well will be connected via buried pipe to an outfall that discharges into the agricultural drainage ditch running northward from ASR 5- ASR 1. Each outfall will include a 10’x20’ splash apron made of uncemented 6” riprap. Table 2-1 shows discharge scenarios for the ASR well and pipeline backflush operations.

Table 2-1: ASR Well Operation Discharges

ASR Operation	Water Source	Duration (min)	Flowrate (gpm)	Volume (gal)	Frequency
ASR Well Startup	Groundwater	10	1,000	10,000	If a well is not used for more than a few days
ASR Well Backflush	Groundwater	15	1,000	15,000	If recharge pressure and rate drops to a predetermined level (~2-3 weeks)
Purged Water (18-inch Transmission)	Purged pipeline water	-	-	200,000	Once or twice per year depending on the operation
Purged Water (Laterals)	Purged pipeline water	-	-	100,000	Few times per year depending on the operation

2.5.3 Disinfection

Sodium hypochlorite will be used to disinfect recovered water, consistent with the primary disinfectant used for the City of Hollister's distribution system. A disinfection building will be located along Fallon Road to continuously inject chlorine into the raw water extracted from the ASR wells as it begins westward transit in the 24-inch pipeline to the City of Hollister distribution system.

The disinfection site will have an 8-inch-thick Concrete Masonry Unit (CMU) building, approximately 20 feet by 20 feet, to house chemical equipment. The sodium hypochlorite feed system will consist of high-density polyethylene (HDPE) totes, chemical metering pumps, piping and valves. The HDPE totes will be on portable grate platforms for drainage and containment. The chemical feed system, including pumps, piping and valves will be constructed of corrosion-resistant materials compatible with sodium hypochlorite. Double-walled chemical piping will be routed in a chemical trench for ease of access and for containment in case of a leak. Metering pumps will be on manufacturer-provided pump skids that can be easily mounted on a wall or anchored to the floor. The disinfection building will include continuous water quality analyzers to measure chlorine residual and adjust the disinfection dose. Sample water will be routed to a floor drainpipe made of C900 PVC, and discharged to a dry well on the building pad. Sample water will consist of chlorinated groundwater consistent with drinking water standards. Approximately 160 gallons per day will be analyzed and discharged. An emergency shower and eyewash station will also be included in the building.

Figure 2-5: ASR Well Locations

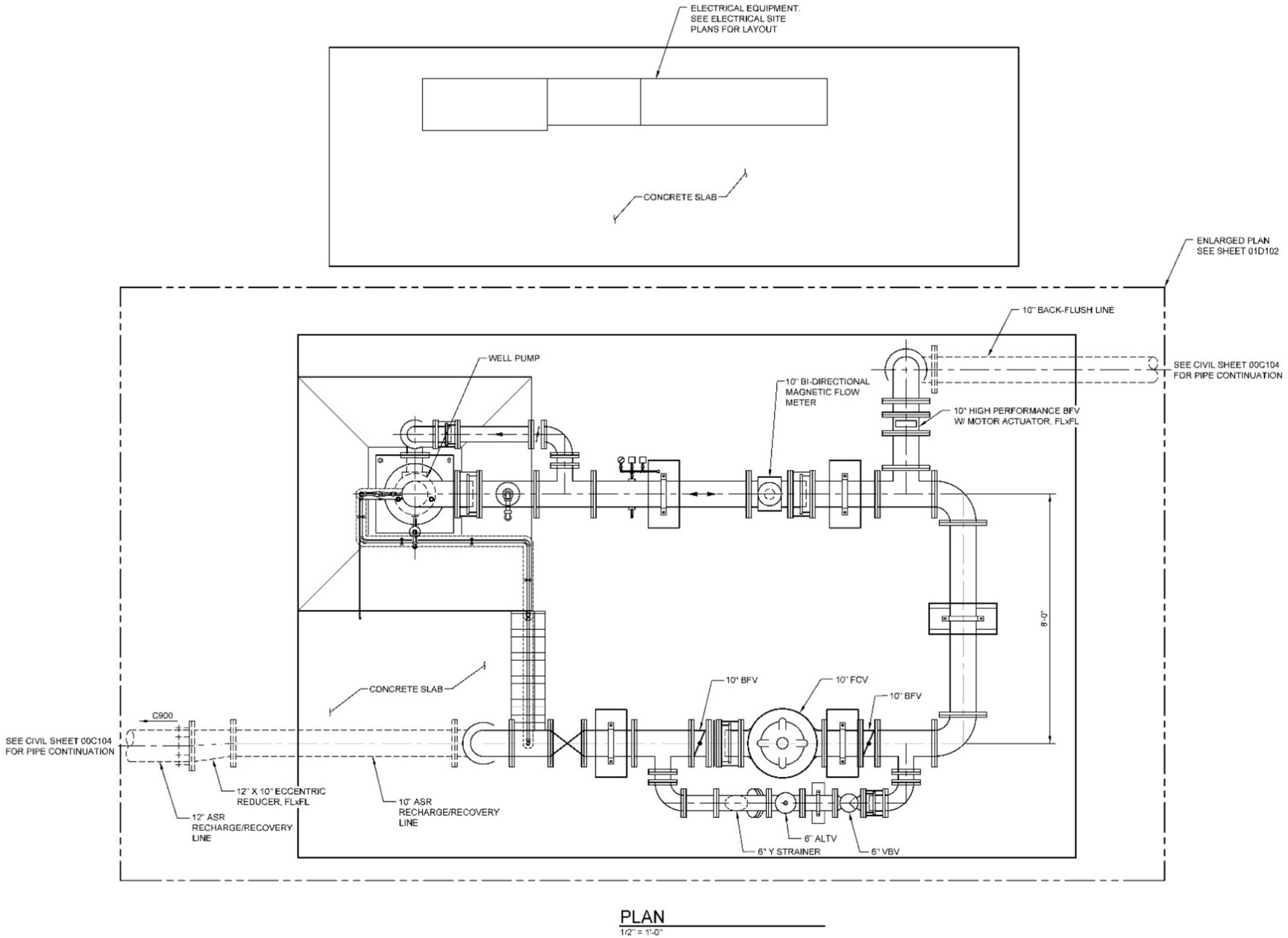

Figure 2-6: ASR Well Site Plans/Equipment

2.5.4 Water Transmission Pipeline

Figure 2-7 and Figure 2-8 show the proposed water transmission pipeline alignment. The new water transmission pipeline would convey recharge and recovery water to the ASR wells, WHWTP, and the Hollister Distribution System to increase the capacity of the existing distribution system. The pipelines would be installed within a 20- to 30-foot-wide right-of-way at a minimum of 36 inches of cover below finished grade. The pipelines would travel mostly along the roadway edge or median to minimize lane closures during construction, when feasible. As shown in Figure 2-9, the pipeline would cross underneath Santa Ana Creek using bore and jack pipeline installation techniques. Electricity for the well sites would be provided by cables installed within the same alignment as the proposed pipelines and would connect to ground mount transformers at each well site. As shown in Table 2-2, the alignment includes the following pipelines.

Table 2-2: Pipeline Details

Pipeline Location	Length (feet)	Diameter (inches)
Underneath San Felipe Road. Begins near intersection of N Chappell Road. Ends near intersection of Fallon Road.	8,811	18
Underneath Fallon Road travelling east	5,632	18
Underneath Scagliotti Road from Fallon Road south to ASR 5	3,600	12
Underneath unnamed farm road from Fallon Road north to ASR 4	1,120	18
Underneath unnamed farm road north from ASR 4 to ASR 2	2,220	18
Underneath unnamed farm road north from ASR 2 to ASR 1	2,310	12
Underneath Fallon Road east from unnamed farm road to ASR 3	2,370	12

2.5.5 Construction Methods

2.5.5.1 WHWTP Construction

The WHWTP expansion would occur within the developed footprint of the existing WTP. Typical construction equipment will be similar to that discussed in the 2017 EIR for the WHWTP. These include earth movers, graders, compactors, and excavators for preliminary site earthwork and other activities, and backhoes, dump trucks, cranes, front-end loaders, concrete trucks, and forklifts for subsequent construction work.

Figure 2-7: Pipeline Alignment Segment 1

Figure 2-8: Pipeline Alignment Segment 2

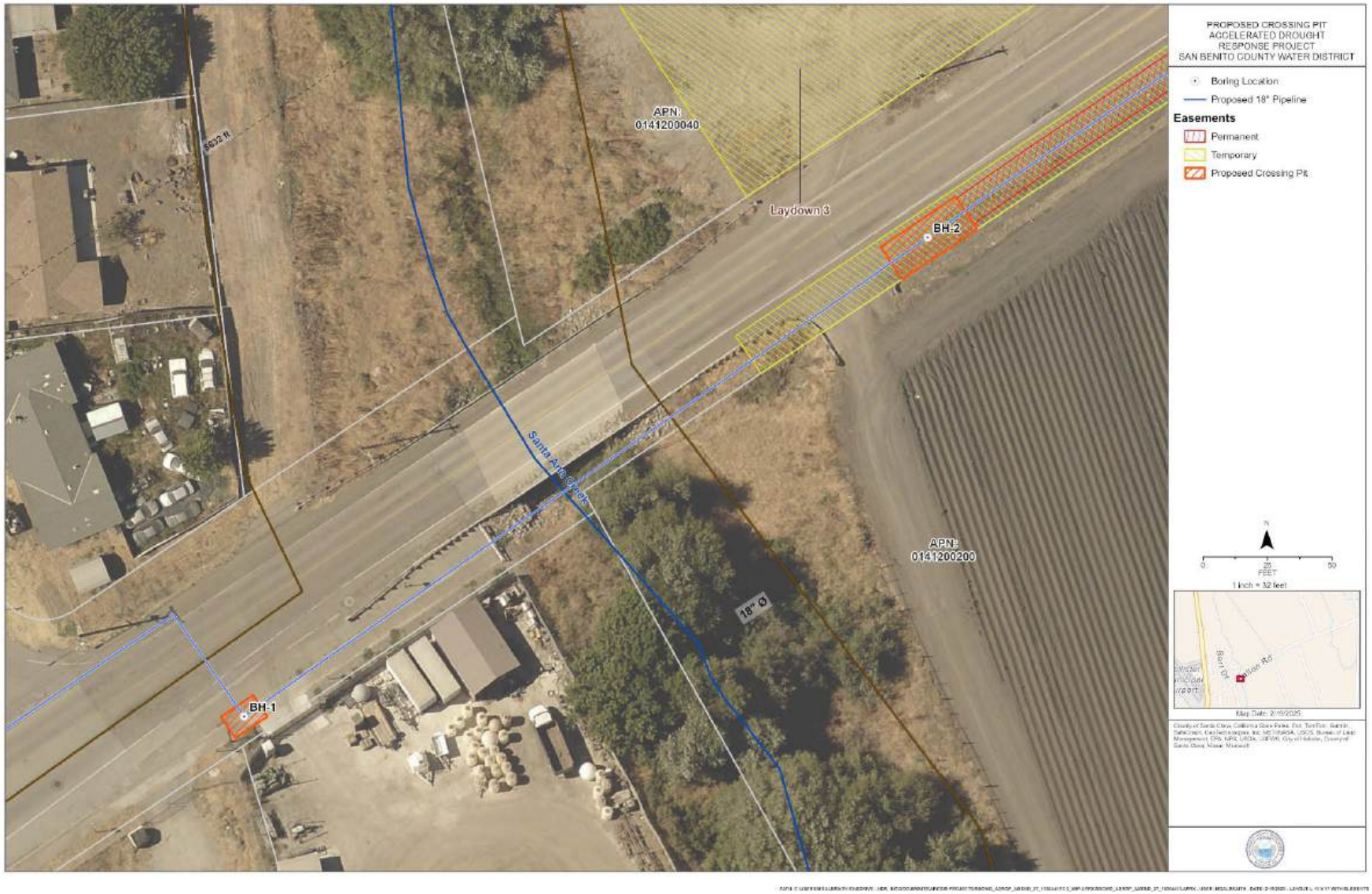

Figure 2-9: Pipeline Crossing

2.5.5.2 ASR Well Construction

Construction of the ASR well sites will include the wells, pumps, disinfection building, electrical cabinets, transformers, appurtenant structures, and security fences. Temporary Construction Easements of 1 acre each are also being acquired at each of the ASR well sites to facilitate drilling and construction of the ASR wells. SBCWD will install gravel roadway surfaces to each well site to facilitate all-weather access.

2.5.5.3 Water Transmission Pipeline Construction

Pipeline installation will predominantly utilize open-cut construction. This includes pavement removal and replacement, excavation, shoring, pipe bedding, new pipe installation, backfilling, compaction, and resurfacing. Trenching would comply with all applicable standards of SBCWD, San Benito County, and the City of Hollister. All open-cut installation will be bedded with clean sand per ANSI/ASTM C 33 requirements and backfilled with suitable engineered material or acceptable native material. In County right-of-way along Fallon Road, post-construction road repair including patching and chip sealing may be required for pavement rehabilitation.

The proposed 18-inch diameter pipeline will cross underneath Santa Ana Creek. Trenchless crossing entry and exit pits will be located on the east and west sides of Santa Ana Creek. The entry pit will be 35 feet by 15 feet and approximately 20 feet deep. The exit pit will be 15 feet by 10 feet and approximately 20 feet deep. The water transmission pipe will be installed inside a 30-inch diameter steel casing pipe. The launching and receiving pits will begin at 100 feet from the edges of the Santa Ana Creek. The trenchless crossing will likely be constructed by jack and bore method depending on the results of a geotechnical investigation and suitability of subsurface material characteristics.

Construction staging areas have been sited along San Felipe Road and Fallon Road. The proposed Project would follow the 2022 Caltrans Standard Specifications for general construction traffic control. Although the pipelines mostly run along roadway margins, traffic control will periodically be required on San Felipe and Fallon Roads. The contractor will be required to prepare a traffic control plan to be stamped and signed by a registered California engineer.

Significant amounts of solid waste are not anticipated. However, any surplus concrete, removed pipe material, rubble, asphalt, or other waste from construction would be taken to an appropriate disposal site or landfill and would not be deposited into local waterbodies.

2.5.6 Equipment / Staging / Workers

The proposed Project would be constructed by up to five construction crews composed of up to 20 workers. Construction equipment needed for project construction is presented in Table 2-3.

Table 2-3: Construction Equipment

Equipment	Quantity
Dozer for Surface Preparation	1
Loader for Surface Preparation	2
Excavator	2
Pile Driver	-
Concrete mixer	1
Pickup truck	5-7
Water truck	2
Electric hand tools	5-7 sets

Equipment	Quantity
Gas/diesel-powered hand tools	3-5 sets
Gas/diesel-powered generators	5-7
Stand-on-skid-steers	2-3
Concrete/dump trucks	3-5
Temporary diesel-powered bypass pumps	2-4
Drill rigs	1-2
Cranes	2-4
Mini Excavator	5-7

2.5.7 Schedule

The construction duration will be approximately 23 months. Construction will occur Monday through Friday, excluding legal holidays, between the hours of 7 a.m. to 6 p.m. Nighttime work is not proposed during construction.

Mobilization, including surface preparation, involves removing any structures (such as fences), pavement, and/or vegetation from the surface of the trench area. Equipment used for this activity includes jack hammers, pavement saws, graders, bulldozers, loaders, and trucks. Prior to construction, the proposed Project contractor(s) will implement an underground services alert (USA) to identify existing underground utilities and service connections prior to commencing any excavation work. Existing utilities would be avoided and protected in place. Temporary disruption of service or relocation may be required to allow for construction pending final engineering design. Service on such lines would not be disrupted until prior approval is received from the service provider.

2.5.8 Proposed Project/Action Operation and Maintenance

Periodic maintenance will be required after the proposed Project is operational. SBCWD staff will inspect components of the proposed Project regularly and will replace equipment that reaches the end of its lifetime or fails during use.

2.6 Right-of-Way Issues and Permits Required

Table 2-4 presents the agencies and applicable permits for the proposed Project.

Table 2-4: Permits and Approvals

Agency	Permit/Approval
Federal: U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act Section 7 consultation
Federal: State Historic Preservation Officer (SHPO)	Section 106 of National Historic Preservation Act (NHPA)
State: California Department of Fish and Wildlife (CDFW)	California Endangered Species Act Incidental Take Permit
State: California Department of Transportation (Caltrans)	Section 660 of the California Streets and Highways Code
State: California Native American Heritage Commission (NAHC)	Tribal Consultation per Assembly Bill 52
State: Central Valley Regional Water Quality Control Board (RWQCB)	CWA Section 402 National Pollutant Discharge Elimination System (NDPES) Construction Stormwater General Permit
State: RWQCB	CWA Section 401 Waste Discharge Requirements
Local: San Benito County	Encroachment Permit
Local: City of Hollister	Encroachment Permit

3 Environmental Checklist

1. **Project Title:** Accelerated Drought Response Project
2. **Lead Agency name and address:** San Benito County Water District
3. **Contact person and phone number:** Jeff Cattaneo, SBCWD 831.637.8218
4. **Project location:** City of Hollister and unincorporated San Benito County
5. **Project sponsor's name and address:**
6. **General Plan designation:** Various
7. **Zoning:** Various
8. **Project Description:** SBCWD proposes to expand groundwater storage capacity for later use during drought conditions. Specifically, SBCWD proposes to expand the WHWTP, construct five ASR wells, and install new pipelines for water transmission. The WHWTP expansion aims to treat available CVP water for recharge of the ASR wells. The wells are spaced for efficient groundwater recharge. Pipelines are sized to accommodate conveyance of injected and recovered water and to eliminate hydraulic bottlenecks in the current Hollister distribution system.
9. **Surrounding land uses and setting:** San Benito County is a primarily rural area, with the City of Hollister as its County seat and largest incorporated jurisdiction. Land uses surrounding the proposed Project area include Agricultural, Industrial, Residential, and Commercial properties. The Hollister Municipal Airport is located to the northwest of the proposed Project area.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** U.S. Bureau of Reclamation, California Department of Water Resources, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, Regional Water Quality Control Board.
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** Yes, tribal consultation has been conducted, with no responses received.

3.1 Environmental Factors Potentially Affected

The environmental factors checked below could be potentially affected by this project, before mitigation is incorporated, as indicated by the Determination checklist below.

- ☒ Aesthetics
- ☒ Agriculture and Forestry Resources
- ☐ Air Quality
- ☒ Biological Resources
- ☒ Cultural Resources
- ☒ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☒ Noise
- ☐ Population and Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation/ Traffic
- ☐ Utilities and Service Systems
- ☐ Wildfire
- ☐ *Environmental Justice*
- ☐ *Indian Trust Assets*
- ☐ *Mandatory Findings of Significance*

3.2 Determination (To be Completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the project would 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.

Signature

Date:

3.3 Evaluation of Environmental Impacts

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency 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).

1. 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.
2. Once the lead agency 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.
3. "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 lead agency 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).
4. 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. 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.

12. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
13. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
14. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
15. 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.

3.4 Aesthetics

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

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	☐	☒	☐
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 publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.4.1 Impact Analysis

a) Have a substantial adverse effect on a scenic vista?

The majority of the proposed Project is located below-grade. Above-grade project components include the ASR wells with concrete pads, security fencing, and appurtenant equipment. A disinfection building of less than 500 square feet will be located adjacent to the north side of Fallon Road opposite Scagliotti Road. The single-story disinfection building will be made of 8-inch-thick Concrete Masonry Unit (CMU) and steel truss framed gable roof, with the gable pitched over a double hollow metal door. Due to the location of the building within the 100-year floodplain, the building would be placed on an elevated pad of approximately 6 feet in height. The ASR well sites will be surrounded by an eight-foot fence and will be sited a minimum of 1,500 feet away from Fallon Road. None of these project features are expected to encroach on or obstruct existing views of scenic vistas in the area, mainly the Gabilan mountains. Impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?

The proposed Project is not located near any significant natural or manmade visual resources. No trees, rock outcroppings, or other significant scenic features occur within the Project area. The one potential scenic resource in the area – Santa Ana Creek – would be avoided by trenchless construction. There are no recorded historic buildings within the Project area.

State Route (SR) 25 is listed as an “eligible” scenic highway from SR 198 in Monterey County north to its junction with SR 156 in Hollister. However, there are no officially designated scenic highways or designated viewpoints within the vicinity of the proposed Project (Caltrans 2024). While SR 25 is located near the proposed Project area, the proposed Project would likely not be visible from the

highway because the ASR well sites would be located at least 1,500 feet from existing roads. Therefore, impacts would be less than significant.

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 publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Construction activities from the proposed Project would be visible from various streets, businesses, and residences along the alignment. In general, construction activities would include vegetation removal, grading and excavation, concrete formwork, construction of facilities, pipeline installation, and backfilling. While project construction may obstruct or otherwise affect views of the surrounding landscape, impacts would be temporary and would cease with the end of construction work. Where pipeline installation would occur, the construction area would be restored to its pre-construction condition.

During operation of the proposed Project, the majority of project features would not cause a significant change to existing visual conditions. Water transmission pipelines would be below-grade. ASR well sites would include relatively small equipment installations surrounded by an eight-foot security fence. These sites would be located on existing agricultural land. The well sites would be visible along Fallon Road; however, they would result in a relatively minor change to the existing agricultural landscape. Additionally, most of the proposed Project is located within a generally urbanized landscape. The proposed Project would not substantially degrade the existing visual character of the area. Impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Lighting in the proposed Project area is limited to exterior lighting from residential and commercial development. The ASR well sites and disinfection building would have minimal nighttime security lighting. No occupied structures are proposed. Any lighting structures included in the proposed Project would be shielded according to local standards. The disinfection building will have lights inside and outside above the main entrance. The ASR well sites will have a light post near the electrical equipment that can be turned on via a switch located in the electrical enclosure. Impacts would be less than significant.

3.5 Agriculture and Forestry 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 Department 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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board, would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☒	☐	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☒	☐

3.5.1 Impact Analysis

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?

The majority of the proposed Project would be located underneath San Felipe Road and Fallon Road within the existing right-of-way in the form of new pipeline installations. This would be constructed in areas designated Urban and Built-Up Land, which is not Farmland as defined in the CEQA Guidelines Appendix G and in this checklist.

The five ASR well sites would be constructed in the vicinity of Fallon Road, northeast of the city of Hollister. Agricultural land in the area of the well sites is considered Farmland of Statewide

Importance. The proposed Project would convert small areas of agricultural land for the construction of ASR well sites. Each well site would be no larger than 0.25-acre, for a maximum total of 1.25 acres, and would be placed in areas determined, in consultation with landowners, to cause the least amount of disturbance to agricultural operations. The well sites would be located in the vicinity of Fallon Road and would be connected via laterals to the proposed Fallon Road water transmission pipeline. Given the minimal amount of land involved and lack of effect on agricultural operations, impacts related to Farmland conversion would not be significant.

While Project construction may temporarily inhibit the use of some agricultural land, once construction is completed, the affected area would continue to be used for agricultural uses with minimal loss of land. The temporary area of disturbance around the well sites would be slightly larger than the permanent area of disturbance. To lessen the impact of the temporary disturbance area, the proposed Project would incorporate Mitigation Measure (**MM) AG-1** to restore the area to preconstruction conditions. Therefore, impacts would be less than significant after mitigation is incorporated.

Mitigation Measures:

MM AG-1: All designated Important Farmland, as defined by the California Department of Conservation's Farmland Mapping and Monitoring Program, in areas currently, or with the potential for future use as, agricultural operations that are impacted by Project construction will be restored to their preconstruction conditions. This would include, but not necessarily be limited to, replacement of crops, recontouring of soils, and/or replacement of infrastructure such as irrigation works. In lieu of SBCWD performing required restoration of affected areas, the District may instead compensate property owners for the restoration, replacement, or re-establishment of agricultural operations within the temporary construction easement areas. Agreements with applicable landowners shall be in place prior to the start of construction.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The ASR well sites are on land zoned by San Benito County as Agricultural Productive. However, wells are allowable uses on agricultural land, provided they comply with applicable County ordinances and regulations. Other features of the proposed Project are located on lands that are not agriculturally zoned or are within road rights-of-way.

Portions of the proposed Project are located on land under Williamson Act contracts. Construction of the proposed Project may temporarily inhibit the use of some Williamson Act land. However, once construction is completed, the affected land would continue to be used for agricultural purposes. The replacement of the ASR wells would not require the cancellation of any Williamson Act contracts. Impacts would be less than significant.

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))?

The proposed Project would not take place in the vicinity of any land zoned as forest land or timberland. There would be no impact.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No forest land would be lost due to the proposed Project. There would be 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?

Portions of the proposed Project would be located on land identified as Farmland of Statewide Importance or land under Williamson Act contract. However, the nature of the proposed Project would not result in the significant loss or conversion of existing farmland. Operation of the proposed Project would allow for continued use of the affected land as Farmland.

The ASR wells would be used only to recharge and recover groundwater for use in times of drought. They would not be used to support any proposed development in the vicinity. As such, the proposed Project would not lead to the indirect conversion of Farmland. Impacts would be less than significant.

3.6 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:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

3.6.1 Impact Analysis

a) Conflict with or obstruct implementation of the applicable air quality plan?

The proposed Project would not conflict with or obstruct the implementation of any applicable air quality management plans (AQMP), such as the 2017 MBARD AQMP. The proposed Project would generate criteria air pollutant emissions during construction from the operation of heavy-duty construction equipment, truck trips associated with hauling construction materials, and vehicle trips associated with construction worker commutes. With the implementation of standard BMPs, as included in the MBARD CEQA Air Quality Guidelines (MBARD 2008), the proposed Project would not exceed the MBARD construction thresholds for criteria air pollutant emissions. Moreover, the proposed Project would implement MBARD dust-related best practices to reduce PM10 emissions during construction. In addition, emissions generated from construction activities resulting from the Proposed Project would be short term, intermittent, and temporary in nature.

Operational emissions would be minimal and limited to vehicles on occasional maintenance trips. Therefore, proposed Project operational emissions would likewise not conflict with nor obstruct the implementation of applicable AQMPs. Impacts would be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction of the proposed Project would generate fugitive dust and other criteria pollutant, primarily through excavation activities, construction equipment exhaust and haul truck trips, and related construction worker commute trips. This impact would be temporary and limited to a local level. Because residential uses occur along the proposed pipeline alignment, standard BMPs would be implemented to reduce potential impacts. Implementation of these BMPs would ensure that

violations of air quality standards or substantial contribution to an existing or projected air quality violation would be less than significant.

Operation of the proposed Project would not generate any criteria pollutant emissions. Truck travel associated with the facilities would generate minimal criteria pollutant emissions. As such, operations of the proposed Project would not result in the violation of any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

c) 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?

Construction of the proposed Project would not exceed the MBARD thresholds for criteria air pollutant emissions. Furthermore, the proposed Project would be required to implement MBARD's dust-related best practice measures, and construction emissions would be temporary. Therefore, construction emissions would not result in a cumulatively considerable net increase of PM10 emissions, for which San Benito County is in nonattainment status.

Operation and maintenance of the proposed Project would require minimal new vehicle trips. Heavy-duty diesel trucks would not be required, and worker trips would be limited to routine maintenance and well operation activities. Therefore, operation of the proposed Project would not generate substantial criteria air pollutant emissions, including PM10, that would result in a cumulatively considerable net increase of any criteria pollutant. Impacts would be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

A "sensitive receptor" is generally defined as any residence, including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. A sensitive receptor also includes long-term care hospitals, hospices, prisons, and dormitories or similar live-in housing.

Various receptors, primarily commercial properties, are in the vicinity of the proposed Project where construction activities would occur along the proposed pipeline alignment on San Felipe Road. DPM would be the main TAC of concern during construction of the proposed Project. Construction would include site preparation, trenching, and rehabilitation activities. These activities utilize heavy equipment that burns diesel fuel and subsequently emits DPM. DPM generally dissipates rapidly from its original concentration. DPM would also be emitted from diesel vehicles used by maintenance workers. However, as noted, operational emissions would occur only occasionally. Therefore, DPM operational emissions would not be generated at a level that would cause concern for sensitive receptors. Impacts would be less than significant.

e) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

The proposed Project would not result in odor emissions adversely affecting a substantial number of people because the proposed Project does not include any components that would result in the generation of long-term odors or similar emissions. Construction activities that have the potential to emit odors and similar emissions include operation of diesel equipment, generation of fugitive dust, and paving (asphalt). Odors and similar emissions from construction are intermittent and temporary, and they generally would not extend beyond the construction area. Due to the temporary and intermittent nature of construction odors, impacts would be less than significant.

3.7 Biological Resources

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat 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) 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?	☐	☐	☒	☐
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 wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.7.1 Impact Analysis

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 Game or U.S. Fish and Wildlife Service?

Construction and operation of the proposed project could result in permanent and/or temporary impacts to seven special-status wildlife species with the potential to occur in the Proposed Action area including CTS, CRLF, NWPT, Swainson's hawk, burrowing owl, San Joaquin kit fox, and western red bat. Table 3-1 shows the breakdown of habitat types that will be impacted by the Proposed Project.

Table 3-1: Land Cover Permanent and Temporary Impacts Anticipated from the Proposed Project

Land Cover	Temporary Impacts (acres)	Permanent Impacts (acres)
Riparian	0.00	0.00
Drainage Ditch	0.05	0.01
Agriculture	9.90	1.13
Ruderal	5.79	0.00
Disturbed	5.81	0.62
Grassland	0.00	0.00

The effects analyses of construction and O&M activities for each species are described below. The No Action Alternative would not affect any of the below listed species as no construction or O&M activities would occur within the Project area. Swainson's hawk was observed during the 2024 site visit and is present within the Project area. The other species listed have potential to occur within the Project Area but were not observed during the site visit.

Impact BIO-1a: California Tiger Salamander

Open trenching for installation of the proposed pipeline may directly injure or kill CTS individuals if they enter the active work area during construction. Exposure to chemicals during construction also has the potential to have lethal impacts to CTS. Although trenching will occur within actively farmed areas that are not suitable habitat, CTS are mobile and have the capability to migrate within the Project Area. Construction of the well outfalls in the drainage ditch would have the potential to injure or kill CTS utilizing the ditch as a migratory channel. Implementation of **MM BIO 1a** through **1c** would reduce the level of impact to less than significant. Construction equipment could also injure or kill CTS in burrows during the installation of the ASR wells in the agricultural fields. **MM BIO 1d and 1e** would help to lessen impacts to CTS by limiting work when the species would be most active and keeping construction site conditions safe for the species. Loss of upland habitat from filling of burrows would result in indirect effects to CTS. Impacts to CTS would be less than significant with mitigation incorporated. Operation and maintenance would not require any additional disturbance.

The potential impacts to CTS that may result from work at the WHWTP have already been evaluated in the 2014 FEIR for the construction of the initial treatment plant (ESA 2014). A Notice of Determination was issued in 2024 declaring that this FEIR was sufficient to cover the activities proposed under the Proposed Action. There will be no expansion of the plant footprint, so no additional impacts will be incurred.

Impact BIO-1b: California Red-Legged frog

Construction will likely not affect CRLF because jack and bore trenchless pipe installation will be used to drill beneath Santa Ana Creek, avoiding all impacts to the riparian area. Jack and bore installation does not carry the risk of frac-out as it does not involve the use of drilling fluid. If CRLF migrate outside of the riparian corridor they could be directly killed or injured by construction equipment operating. By implementing **MM BIO-1a and 1b**, impacts to CRLF would remain less than significant as preconstruction surveys would ensure that no CRLF are present in the work area and exclusion fencing excludes additional individuals from accessing the work area. Sediment release during construction could indirectly impact CRLF by burying suitable egg deposition vegetation and rootwads. Erosion and sedimentation measures included in the Project's SWPPP will minimize the

potential for inadvertent release of sediment into the riparian corridor. Construction of new features at the WHWTP would occur within the existing disturbed footprint and are unlikely to disturb CRLF.

Impact BIO-1c: Swainson's hawk

The trees within the corridor of Santa Ana Creek or scattered trees throughout the agricultural areas near the ASRs would be suitable nesting habitat within the Project Area. There will be no impacts to the corridor of Santa Ana Creek as a result of the Proposed Project. All pipeline installation work is proposed outside of the corridor of Santa Ana Creek. However, if there are trees within the semi-natural herbaceous stand or agricultural areas that limit access for construction equipment some limbing or tree removal may be required. If construction occurs during the nesting season, removal of nesting substrate in the marshes could destroy nests and cause failure. Removal of nesting substrate could cause adverse effects to the species. Construction noise in the vicinity of nests could also lead to nest abandonment. Pre-construction nesting bird surveys would be required as avoidance and minimization. By adhering to **MM BIO-1c**, loss of nests could be avoided. Impacts would be less than significant with mitigation incorporated.

Impact BIO-1d: Burrowing Owl

Burrowing owl may utilize small mammal burrows in semi-natural herbaceous stands or agricultural areas for overwintering habitat. Additionally, agricultural areas may provide foraging habitat for the species within the Project Area. If occupied burrowing owl dens are within the construction footprint for the ASR wells, construction could have the potential to directly and indirectly impact the species. Collapse of occupied burrows could trap individual owls within burrows, leading to injury or death. Pre-construction burrow surveys as outlined in **MM BIO-1g** would decrease the decrease the level of impact to less than significant with mitigation incorporated. Construction at the WHWTP is unlikely to impact burrowing owl as all construction will take place within the developed footprint of the existing facility.

Impact Bio-1e: Western Red Bat

The range of the western red bat overlaps with the Project Area and Santa Ana Creek provides suitable roosting habitat for the species. However, there will be no direct disturbance to the Santa Ana Creek corridor and no direct impacts to suitable roosting habitat. In addition, work areas would be sited over 100 feet away from the riparian corridor along Santa Ana Creek. Therefore, indirect impacts to the species would also be avoided. The impact to western red bat will be less than significant.

Impact Bio-1f: Northwestern Pond Turtle

Northwestern pond turtle has been documented upstream of the Project Area in Santa Ana Creek. As there are no barriers to dispersal, the species could be found within the project area if there is water in the creek during the time of project activities. Exclusion fencing, as required by **MM BIO-1b** will help minimize the risk of NWPT entering the work area. As there will be no direct disturbance to the Santa Ana Creek corridor, the species should not be directly impacted. Increased noise levels from construction does have the potential to alter behavior patterns of the species. Implementation of **MM-BIO1f** will minimize impacts to a less than significant level.

Impact Bio-1g: San Joaquin Kit Fox

San Joaquin kit fox habitat is present in the area surrounding the WHWTP facility. The ASR well and pipeline area is not suitable for the species as they are unlikely to establish dens within active agricultural areas. There will be no expansion of the existing WHWTP footprint, so there will be no

impact to kit fox habitat. Exclusion fencing will be required around active work areas. The impact to kit fox will be less than significant.

Mitigation Measures:

MM BIO-1a: California Tiger Salamander Pre-Construction Survey

- Prior to the commencement of ground disturbing activities, a qualified biologist will survey the work area for suitable CTS burrows. Where feasible, a 50-foot no disturbance buffer will be placed around suitable CTS upland burrows. If burrows cannot be avoided and will be impacted by construction, they must first be hand excavated under the supervision of a qualified wildlife biologist. If CTS are found in the burrows, the biologist will relocate them to the nearest burrow outside of the construction area.

MM BIO-1b: Exclusion Fencing

- Prior to the commencement of ground disturbance, temporary exclusion fencing should be installed between the active work area and suitable habitat. The exclusion fencing must remain in place for the duration of activities in that footprint. The exclusion fence will be regularly maintained to ensure effectiveness. The exclusion fence will have the following properties:
    - At least 3 feet in height.
    - The top few inches of the exclusion fencing must be folded over and away from the construction area.
    - Refuge opportunities in the form of fallen logs, leaf litter, or artificial cover boards should be placed along or near the outside of the exclusion fence.
- Work should only occur between the hours 30 minutes after sunrise and 30 minutes before sunset. No nighttime work.
- If there are any open trenches left at the end of the workday, a temporary cover board should be placed on top so no gaps occur between the cover and the ground. Any trenches or holes that must be left open shall be fitted with an escape ramp for trapped individuals.

MM BIO-1c: Dry Season Work

- Any ground disturbing work within or immediately adjacent to CRLF or CTS potential breeding or migration habitat (ex: within 562 meters [±1,500 feet] of known or potential habitat) shall be confined to the dry season from June 15 to October 31 to the maximum extent feasible.

MM BIO-1d: CTS Precipitation Work Limits

- No work within 1,500 feet of suitable CTS habitat shall occur if there is a 70% or greater chance of rainfall predicted by the National Weather Service within 72 hours of project activity. If work must continue with rain in the forecast, a qualified biologist will survey the Action Area before construction each day rain is forecast. If rain exceeds 0.25 inch during a 24-hour period, work will cease until no further rain is forecast. The qualified biologist will survey the work area following the precipitation event and remove any CTS that may have entered the work area.

MM BIO-1e: Accidental Entrapment Prevention

- To prevent the accidental entrapment of listed species during construction, all excavated holes or trenches deeper than 6 inches shall be covered at the end of each workday with plywood or similar materials. Foundation trenches or larger excavations that cannot easily be covered shall

be ramped at the end of the workday to allow trapped animals an escape method. Prior to the filling of such holes, these areas shall be thoroughly inspected for listed species by a qualified biologist. In the event of a trapped animal, construction shall cease until the individual has been relocated to an appropriate location

MM Bio-1f: Preconstruction Nesting Bird Surveys

- If clearing and/or construction activities would occur during the nesting season (March 1 to August 31), then preconstruction surveys to identify active migratory bird and/or raptor nests shall be conducted by a qualified biologist no more than 7 days prior to construction initiation. Focused surveys shall be performed by a qualified biologist for the purpose of determining the presence or absence of active nest sites within the following distances form the disturbance footprint:
    - Passerines: Disturbance footprint only, or at the biologist's discretion
    - Raptors: 500 feet, or within sight of the disturbance footprint, whichever is smaller
    - Special-status Raptors: ½ mile, or within sight of the disturbance footprint, whichever is smaller.
- If a lapse in project activities of 7 days or greater occurs for any reason during the nesting season, a qualified biologist shall perform another survey for nesting birds and raptors prior to resuming project activities. If feasible, tree and vegetation clearing will be conducted outside the nesting season.
- If active nest sites are identified within the survey distances defined in the Nesting Bird and Raptor Surveys measure, a no-disturbance buffer shall be established for all active nest sites prior to commencement of any project-related activities to avoid disturbances to nesting activities. A no-disturbance buffer constitutes a zone in which project-related activities such as vegetation removal, earth moving, and construction cannot occur. The size of no-disturbance buffers would be determined by a qualified biologist based on the species, activities in the vicinity of the nest, and topographic and other visual barriers.
- A qualified biologist shall monitor all active nests during construction activities until the nest(s) is deemed inactive. The amount and duration of monitoring would be determined by the qualified biologist and would depend on the same factors mentioned above when determining the size of the no disturbance buffer. If active special-status raptor nests are detected and an appropriately sized no-disturbance buffer (per current national or CDFW guidelines) is not feasible, the biologist may monitor the nest full time depending on the nest location, or only when noise are above background levels tolerated by raptors. Monitoring shall occur until the nestlings have fledged, or the nest is deemed inactive. If disturbance resulting from project activities is observed, construction may be delayed until the nest is no longer active, as determined by a qualified biologist, or the appropriate agency can be consulted.

MM Bio-1g: Preconstruction Burrowing Owl Surveys

- No more than 30 days prior to ground disturbance, a qualified biologist will survey the proposed construction area for occupied burrowing owl burrows. If owls are detected and work is scheduled to occur within nesting season (February 1 through August 31), burrows will be avoided. No-work buffers of at least 200 meters will be placed around occupied burrows during the breeding season, and 100 meters during the non-breeding season.

- If work must occur where burrows are occupied, owls may be passively relocated. This may only occur outside of the breeding season. Breeding owls must not be disturbed. Owls would be excluded from burrows in the immediate impact zone within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors will be in place at least 48 hours prior to excavation to ensure the owls have departed.
    - The work area will then be monitored daily to ensure that the owls have departed.

MM BIO-1h: Minimization of Light

- Temporary lighting within the Action area should be directed away from suitable roosting habitat regardless of documented species presence in or within 100 feet of the project area.

MM BIO-1i: NWPT Nest Avoidance

- If work is performed between May-July during northwestern pond turtle nesting season, surveys for nesting females will be required no more than 48 hours prior to ground disturbance activities. A qualified biologist shall survey the work site and 400 m up and downstream for signs of nesting and occupation. If nests are encountered, an exclusion buffer will be delineated around the nest area where no work shall occur until the end of nesting season. If work must occur within the nesting area, contact USFWS for relocation authority and procedures.

b) Have a substantial adverse effect on any riparian habitat 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?

The proposed project will utilize jack and bore drilling to install a water transmission pipeline beneath the bed and bank of Santa Ana Creek. As a result, there will be no direct impact to Santa Ana Creek, which is the only sensitive natural community within the Project Area. **GENMM-1** would be implemented to ensure that the area of potential impacts on the Santa Ana Creek corridor environment is as small as possible during construction. **MM BIO-2** would require fencing of sensitive habitats to discourage accidental disturbance during construction. With the institution of these measures, impacts would be less than significant.

Mitigation Measures:

MM BIO-2: Sensitive Community Fencing

- If sensitive communities occur within 100 feet of proposed ground-disturbing activities, including construction access routes and temporary work areas, with no pre-existing barrier between them and the proposed ground disturbance, protective fencing, such as silt fencing, will be installed between habitats that are to be avoided and the construction limits to prevent accidental disturbance and to protect water quality during construction.

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?

Two aquatic features were identified during the wetland delineation field efforts: Santa Ana Creek (an intermittent channel) and a drainage channel perpendicular to Fallon Road at Scagliotti Road. Only Santa Ana Creek would be considered a federal water of the U.S. (HDR 2024). Santa Ana Creek would be fully avoided during construction as the pipeline would be drilled underneath the waterway. The drainage channel is an ephemeral feature that connects to Santa Ana Creek and will be permanently impacted by the installation of six ASR well backwash outfalls. Impacts to this

feature will be permitted under Section 401 of the Clean Water Act. Any necessary mitigation will be compliant with the stipulations of the Clean Water Act permit. Temporary impacts will be restored onsite to pre-project conditions. Mitigation through the use of permits will keep impacts to a less than significant level. No additional mitigation is required.

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 wildlife nursery sites?

Santa Ana Creek is the main migratory route that runs through the Project Area. CTS and CRLF may utilize the creek as a migration corridor. The special-status birds discussed above that have the potential to nest within the Project Area do migrate throughout the region but are not solely reliant on the Santa Ana Creek corridor. No work is proposed within Santa Ana Creek, and nothing will impede migration of species throughout the Project Area during construction. Construction of the discharge outfalls in the drainage channel would occur outside of the CTS migratory season and would not impact migration. Work around the WHWTP will be limited to the disturbed footprint and would not alter current conditions. During the operational phase impacts to migration would be less than significant and no mitigation measures are proposed.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The policies cited from the City of Hollister General Plan and the San Benito County General Plan mainly pertain to preserving open space, endangered species habitats, and minimizing impacts to sensitive environments. Impact areas for the proposed project are limited to previously disturbed areas and active agricultural fields, neither of which provide optimal endangered species habitat or qualify as sensitive environments. Tree removal is not anticipated to complete project work. As a result, the project will not conflict with any local policies or ordinances. There will be no 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?

San Benito County is in the process of developing the San Benito County Conservation Plan which will be a joint Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP). The Project Area will be included in the plan area, but the HCP/NCCP has not yet been developed. As a result, the project does not conflict with any HCP/NCCP and there will be no impact.

3.8 Cultural Resources

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.8.1 Impact Analysis

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

The proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 because no cultural resources located in or near the Project area that qualify as CEQA historical resources would be affected by the proposed Project. There would be no impact.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The cultural resource inventory and intensive pedestrian survey did not identify archaeological resources. Nevertheless, it is possible that a currently unknown archaeological resource could be encountered. If any previously unidentified buried resources are encountered and damaged during construction, the destruction of the archaeological resources would be a potentially significant impact. **MM-CUL-1** would require implementation of measures to ensure that any unanticipated cultural resources discovered during Project-related ground-disturbing activities are appropriately handled and documented and that all necessary parties are contacted and coordinated with in a timely manner, in order to either avoid or minimize impacts on the cultural resources. Implementation of **MM-CUL-1** would reduce this impact to a less than significant level.

Mitigation Measures:

MM-CUL-1: If unrecorded cultural resources are encountered during Project-related ground-disturbing activities, a qualified cultural resources specialist shall be contacted to assess the potential significance of the find. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) is made during Project-related construction activities, ground disturbances in the area of the find will be halted, and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist will determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation, such as avoidance or data recovery. Construction work can continue on other parts of the project while archaeological mitigation takes place.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are no records of any paleontological resources within the proposed Project area. Due to past ground disturbance by development and agricultural activities, it is unlikely that any intact paleontological resources would be encountered within the Project area. However, paleontological resources have been encountered in the County, and the possibility exists that such resources could be encountered during construction activities. **MM GEO-1** would set forth procedures to address any paleontological discoveries. No unique geological features are known to exist within the vicinity of the proposed Project area. Impacts would be less than significant with mitigation.

Mitigation Measures:

MM GEO-1: If any paleontological resources are encountered during construction activities, all construction work within 50 feet of the encounter shall be halted until a qualified paleontologist can examine the find. If the find is determined to be significant, then the paleontologist shall recommend measures that may include, but are not limited to, preservation in place or excavation and curation. Work shall not resume around the find until the recommendations of the paleontologist are implemented.

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

No evidence for precontact or early historic interments has been found in the Project area to the extent documented. However, this does not preclude the existence of buried human remains. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction. Damage to or destruction of human remains during Project construction or other Project-related activities would be considered a significant impact.

In accordance with the California Health and Safety Code Sections 7050.5 and 7052, and Public Resources Code Section 5097.98, if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find would be halted immediately, and the San Benito County coroner is to be notified to arrange the proper treatment and disposition of the human remains. If the remains are identified—on the basis of archaeological context, age, cultural associations, or biological traits—as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the Native American Heritage Commission (NAHC) within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will, in coordination with the landowner, determine the manner in which the remains are treated. Compliance with the applicable codes would reduce impacts on any encountered human remains to a level that would be less than significant.

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3.9 Energy

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

3.9.1 Impact Analysis

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Energy use consumed by the proposed Project is expected to be relatively low due to the nature of the proposed operations, and because the construction of the proposed Project would conform to state and local standards for energy efficiency.

The anticipated construction schedule assumes that the proposed Project would be built over a period of approximately 23 months. The proposed Project would require site preparation, construction, and rehabilitation of construction sites. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. Equipment and fuel are not used wastefully due to the added expense associated with renting, maintaining, and fueling the equipment. The proposed Project would implement applicable construction methods and BMPs to reduce any potentially inefficient energy consumption.

Operation of the proposed Project would consume energy in the form of electricity for uses related to pumping water. The proposed Project would be built to the most recent California Building Code standards and Title 24 energy efficiency standards. As a result, implementation of the proposed project would not result in substantial operational energy impacts. Impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Construction and operation of the proposed Project would have a less than significant impact due to energy usage and efficiency and, thus, would not conflict with local or state plans for energy efficiency. As a result, the proposed Project would comply with existing state energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

3.10 Geology and Soils

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risk to life or property?	☐	☐	☒	☐
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 wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

3.10.1 Impact Analysis

a-i) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: 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?

No faults identified under the Alquist-Priolo Earthquake Fault Zoning Act, or any other active faults, pass through the proposed Project area. The only mapped fault within the proposed Project area is the concealed Carnadero Fault near the raw water pump station. The fault is buried beneath recent creek deposits and is not considered capable of rupture because there is no evidence of Holocene or late Quaternary activity on the fault. Thus, there would be no impact with respect to fault rupture on the site.

a-ii) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: Strong seismic ground shaking?

Due to the location of the proposed Project, ground shaking would likely occur at some point during the life of Project operations. Most structures such as roads, paved areas, and pump stations, as well as surface and buried pipelines, could be subject to damage from earthquakes and earthquake-induced ground failures. However, the effects of ground shaking on the proposed structures and pipelines would be accounted for by design and construction detailing in accordance with the foundation and seismic design provisions included in applicable state and local building codes, including the California Building Code. Therefore, impacts would be less than significant.

a-iii) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: Seismic-related ground failure, including liquefaction?

Soils within the proposed Project area are at low risk for liquefaction. Static groundwater levels in the area are typically too deep to result in liquefaction effects at the surface (ESA 2014). In addition, the proposed Project is not located within a California Geologic Survey Liquefaction Zone (USDA 2024). No other seismic-related ground failure risks were identified within the proposed Project area. No impact would occur.

a-iv) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: Landslides?

The ASR well sites and water transmission pipeline would be constructed on relatively flat land, and therefore would not be susceptible to landslides. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Construction activities associated with the proposed Project, including clearing, grading, and disturbances to the ground such as stockpiling and excavating, could expose soils to erosive forces such as wind and water. Because the proposed Project would result in over an acre of ground disturbance, the proposed Project would be required to obtain coverage under the SWRCB's General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit; Order 2009-0009-DWQ). The Construction General Permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes best management practices to be implemented to avoid or minimize adverse water quality impacts. Compliance with the Construction General Permit, including preparation and implementation of a SWPPP, would reduce soil erosion impacts. Impacts would be less than significant.

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?

There is a low potential for liquefaction to occur in the Hollister area. The SBCWD, under contract with HDR, conducted geotechnical and utility explorations within the proposed Project area, including the proposed pipeline alignment and at the ASR well sites. The proposed Project will be designed to address any identified geotechnical issues in accordance with applicable laws, regulations, and standards. Impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risk to life or property?

The proposed Project would take place within the footprint of the existing pipeline, which is in an area of artificially compacted and stabilized soils. While some expansive clay soils are located within

the agricultural fields surrounding the proposed ASR wells, construction and operation of these wells and appurtenant structures would not be negatively impacted by these soils. Impacts would be less than significant.

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 wastewater?

No new wastewater disposal systems are proposed as part of the Project. No impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are no records of any paleontological resources within the proposed Project area. Due to past ground disturbance by development and agricultural activities, it is unlikely that any intact paleontological resources would be encountered within the Project area. However, paleontological resources have been encountered in the County, and the possibility exists that such resources could be encountered during construction activities. **MM GEO-1** would set forth procedures to address any paleontological discoveries. No unique geological features are known to exist within the vicinity of the proposed Project area. Impacts would be less than significant with mitigation.

Mitigation Measures:

MM GEO-1: If any paleontological resources are encountered during construction activities, all construction work within 50 feet of the encounter shall be halted until a qualified paleontologist can examine the find. If the find is determined to be significant, then the paleontologist shall recommend measures that may include, but are not limited to, preservation in place or excavation and curation. Work shall not resume around the find until the recommendations of the paleontologist are implemented.

3.11 Greenhouse Gas Emissions

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.11.1 Impact Analysis

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction of the proposed Project would emit GHG emissions from the combustion of diesel fuel in heavy equipment. Construction GHG emissions are a one-time release and are typically considered separate from operational emissions, as global climate change is inherently a cumulative effect that occurs over a long period of time and is quantified on a yearly basis. Because Project related emissions are inherently temporary, construction emissions would be below the significance threshold. Therefore, construction-related GHG impacts are considered less than significant.

Emissions from operations of the proposed Project would be limited to vehicle trips for project operations and maintenance. These activities would result in a negligible increase in additional traffic, and the resulting additional trips would not generate GHG emissions that would exceed the significance threshold of 1,100 metric tons CO2e. Impacts would be less than significant.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Because construction emissions from the proposed Project would be below the threshold of significance and minimal operational GHG emissions would be generated, the proposed Project would not generate GHG emissions that would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, including the Climate Action Plans currently being prepared and the State's Scoping Plans. The proposed Project's contribution to cumulative effects associated with climate change is considered less than significant.

3.12 Hazards and Hazardous Materials

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

3.12.1 Impact Analysis

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction activities would involve the use of Sodium hypochlorite (i.e., bleach), fuels, lubricants, paints, and solvents. Storage and use of hazardous materials at the construction site and staging areas could result in the accidental release of small quantities of hazardous materials, which could result in exposures to construction workers and/or degrade soil and groundwater quality at the project site, and surface water quality in downstream water bodies.

As discussed in Section 3.10, Geology and Soils, Project construction would require preparation of a SWPPP and implementation of best management practices to minimize the risk of a hazardous materials release during construction activities. Best management practices would include protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction, including requirements for secondary containment and berming to prevent any such release from reaching an adjacent waterway or stormwater collection system. All equipment and materials storage would be routinely inspected for leaks, and records maintained for documenting compliance with the storage and handling of hazardous materials. Through compliance with construction water quality regulations, potential adverse effects related to reasonably foreseeable upset and accident conditions involving the release of hazardous construction chemicals into the environment would be less than significant.

Operation of the pipelines and ASR well sites would not involve significant use of potentially hazardous materials. The one ASR well site containing the chemical storage building would house relatively small amounts of necessary chemicals used for operational activities of the system. The site would comply with all applicable regulations pertaining to the use and storage of hazardous materials.

As required by law, the contractor would prepare a HMBP that outlines hazardous materials storage and handling, emergency response and notification procedures, and employee health and safety training requirements. The HMBP would include an emergency response and contingency plan specifying procedures to contain a release or threatened release of hazardous materials, as well as required training for employees involved in handling hazardous materials. The HMBP would also provide local agencies with the information needed to plan appropriately for a chemical release, fire, or other incident. Through compliance with legal requirements, potential impacts related to the storage and use of hazardous materials during project operations would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

Implementation of the proposed Project is not anticipated to create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Construction and operation of the proposed Project could result in the accidental release of a hazardous material resulting in a potential hazard to the public. Construction activities would require the use of hazardous materials (e.g., fuel for construction equipment, oil, solvents, or paints). Hazardous materials impacts could also occur during operation due to growing operations or maintenance activities. Hazardous materials used during construction and operation would be stored properly within the staging area, in accordance with best management practices and applicable regulations, and the staging area would be secured from public access and identified per County requirements. Runoff controls would be implemented to prevent water quality impacts, and a spill plan would be developed to address any accidental spills. Any waste products resulting from construction and operations would be stored, handled, and recycled or disposed of in accordance with federal, state, and local laws. Impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no schools located within one-quarter mile of the Proposed Project area. Although the proposed Project would involve hazardous materials typical of a construction project, the use of

these materials would be in compliance with federal, state, and local regulations, as described above. No impact would occur.

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?

According to the EnviroStor database maintained by the DTSC, the proposed Project is not located on any active hazardous material cleanup sites (DOTC 2024). While the proposed pipeline along San Felipe Road and Fallon Road is in the vicinity of two cleanup sites listed in the database, none of these sites are considered active and all violations have been resolved. Impacts would be less than significant.

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?

Portions of the proposed Project are located within a two-mile radius of the Hollister Municipal Airport. The proposed water transmission pipeline along San Felipe Road and Fallon Road would be installed within the existing right-of-way that runs adjacent to the southeastern boundary of the airport's footprint. According to the Hollister Municipal ALUCP, land uses associated with the proposed Project such as Transportation Routes and non-livestock Agriculture would not pose a significant noise or safety risk (San Benito County ALUC 2012). In addition to land uses associated with sensitive receptors, safety hazards associated with airports are generally related to construction of tall structures and the creation of wildlife attractants (e.g., wetlands, golf courses, and waste disposal operations) that could interfere with airplane flight paths.

No tall structures or features that would attract people or animals to the area would be constructed. The water transmission pipeline would be installed underground, and the ASR well sites located along Fallon Road would not be tall enough to interfere with airplane flight paths. In addition, the ASR well sites would not be occupied structures and would only require maintenance workers on-site on an as needed basis. Impacts would be less than significant.

f) 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?

There are no private airstrips in the vicinity of the proposed Project. There would be no impact.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

San Benito County has prepared the San Benito County Operational Area Emergency Operations Plan (Emergency Plan) in coordination with the cities of Hollister and San Juan Bautista and two water agencies. The Emergency Plan designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County. Portions of the proposed Project, located on San Felipe Road, could physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. However, the proposed Project would be required to follow the 2022 Caltrans Standard Specifications for general construction traffic control. Traffic control would be required on the east side of San Felipe Road, which would have reduced access for trenching of the new pipeline. The implementation of a traffic control plan would reduce potential conflicts with emergency response and evacuation plans. Impacts would be less than significant.

h) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The proposed Project site is not located in any fire hazard severity zone as delineated by CAL FIRE. While the proposed Project is located in a semirural area, it is not adjacent to wildlands. While wildfire could occur on-site or on adjacent properties, the proposed Project would comply with applicable fire safety provisions of the California Building Code and standard conditions of approval, thereby reducing the risk of damage from fire to the maximum extent practicable. Impacts would be less than significant.

3.13 Hydrology and Water Quality

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
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	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

3.13.1 Impact Analysis

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction of the proposed Project would take place within previously disturbed environments such as the WHWTP footprint and the existing rights-of-way of San Felipe Road and Fallon Road. Portions of the proposed Project would be constructed within active agricultural fields, which, while containing pervious surfaces, are still considered previously disturbed land. However, construction of the proposed Project may have the potential to result in degradation of surface water and groundwater quality. Construction activities associated with the proposed Project, including grading, staging, trenching, and excavation, could make soils more susceptible to erosive forces. Eroded material could be transported to a receiving stream or other type of waterway. Clearing, grading and

compaction activities may also increase the rate of runoff from the construction areas, possibly resulting in increased erosion and sedimentation within nearby receiving waters.

Construction activities could also result in the accidental release of other pollutants including oil and grease, solvents, petroleum hydrocarbons, chemical substances used during construction, waste concrete, and wash water. Contaminated runoff could enter on-site drainage channels and ultimately drain off-site to downstream waterbodies. Further, the accidental release of pollutants to surface waters or the ground surface would have the potential to infiltrate and contaminate groundwater, affecting groundwater quality.

ASR well backflush and treated pipeline water will be discharged through six separate outfalls (one for each ASR well, plus the water transmission line – see Table 2-1) into the agricultural drainage ditch running northward from ASR Well 5. All discharges will be required to meet Central Coast RWQCB Basin Plan discharge standards. Regular monitoring and reporting will be required to demonstrate compliance with waste discharge requirements and water quality objectives.

Because the proposed Project would disturb more than one acre of soil, all construction activities would be subject to the provisions and requirements of the General Construction Permit. As a requirement of the General Construction Permit, the SBCWD and/or the contractor would be required to prepare a SWPPP, which would include relevant BMPs to reduce or eliminate the impacts of construction activities on stormwater and receiving water quality and quantity. These BMPs would include such measures as scheduling practices to avoid earthwork during periods of heavy rainfall, minimizing the amount of time soils are exposed to wind and rain, and stabilizing and protecting soils prior to anticipated rainfall events and after construction would be completed. In addition, the SWPPP requires that construction sites employ sedimentation and erosion control BMPs, such as containment of the site within silt fences and coir rolls and installation of slope breaks (e.g., straw wattles) near drainages and road crossings, and it would require that existing vegetation be preserved to the maximum extent feasible.

An exploratory borehole was constructed to determine existing groundwater quality in the vicinity of the proposed ASR well locations. Groundwater in the proposed Project area was found to be of generally high quality. While elevated concentrations of some contaminants were found in multiple zones, the primary regional water quality constituents of concern were mostly below regulatory thresholds or not detected. Water quality of the deepest two zones appeared generally good, however, detections of iron, manganese, and boron, were found to be above regulatory levels. These two zones also had concentrations of arsenic that were somewhat elevated, yet below the relevant levels. Soil samples from these zones showed the presence of some metals including iron, arsenic, and chromium.

A preliminary geochemical evaluation was conducted to investigate potential adverse chemical reactions between the groundwater, sediments, and municipal and industrial (M&I) water. Overall, the native groundwater, aquifer matrix, and potential recharge waters (M&I water) were found to be generally compatible. Native groundwater may be more saline but would be generally similar to the M&I water in terms of chemical makeup. Release of regulated chemical constituents of concern (COCs) that could potentially lower quality of recharged water was found to be a small to negligible impact. However, on injection, a gradient of salinity would exist between native groundwater and the recharge water bubble. The magnitude of that gradient would be caused by physical mixing rather than a geochemical process. It was found that using the identified recharge waters would be compatible with the native groundwater environment. Construction and operation of the proposed

Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The proposed Project would improve groundwater supply and recharge by injecting additional water into existing ambient groundwater. The proposed Project would have the capacity to inject, store, and extract up to 2,700 AF of water between the five ASR wells.

Simulated operations were conducted for the proposed five ASR wells near Fallon Road. The operations assumed that each well would receive up to a maximum of 500 acre-feet of CVP water – the amount a well injecting at 500 gallons per minute could inject over a nine-month injection season (June through February). Movement of water to and from the ASR wells was simulated using the particle tracking method. The results of the simulation indicate that most of the traces of the particles leave a well and later return to it because the injected water is extracted after a few years. Particles at the ASR wells traveled only 500 to 2,000 feet over the course of the simulation, and 76 percent of them were recaptured by the ASR well where they were injected. By contrast, simulations for ASR wells in southwestern Hollister indicated particles would travel up to 5,600 feet from the well of injection and in most cases traveled beyond the recapture zone of the well. As a result of the shorter distance traveled underground by water injected in the Fallon Road ASR wells, there would likely be less mixing of injected and ambient groundwater prior to extraction, which should generally result in better quality of recovered water than in southwestern Hollister.

The proposed Project would not substantially increase the number of impervious surfaces within the Project area. Expansion of the WHWTP would take place within the existing facility footprint, while the proposed water transmission pipeline would be primarily constructed within the existing rights-of-way of San Felipe Road and Fallon Road. While the ASR wells would be constructed within active agricultural fields, each site would be no larger than 0.25-acre. Implementation of the proposed Project would not interfere with groundwater supplies or recharge. Impacts would be less than significant.

c-i) 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: result in substantial erosion or siltation on- or off-site?

The proposed Project would generally be located within previously disturbed areas such as existing road rights-of-way and would not greatly expand the number of impervious surfaces in the area. Construction of the water transmission pipeline, WHWTP expansion, and ASR wells would take place on previously disturbed lands. Expansion of the WHWTP would take place within the existing footprint of the facility. The new water transmission pipeline would be constructed underneath San Felipe Road and Fallon Road and would be rehabilitated to previous conditions upon the completion of construction. A portion of the pipeline would be installed beneath Santa Ana Creek. This would be accomplished by boring underneath the creek to avoid any potential alterations to the streambed. ASR wells would be constructed on active agricultural land, but each well would be no larger than 0.25-acre in size.

The proposed Project would be required to prepare a SWPPP, which would include relevant BMPs to reduce or eliminate the impacts of construction activities on stormwater and receiving water

quality and quantity. These measures would include BMPs to reduce the amount of erosion and sedimentation caused by Project construction.

Due to the relatively small footprint of the proposed facilities and their locations, the proposed facilities would not substantially alter site drainage or the course of Santa Ana Creek. Pipelines would be buried underground, and above ground structures would be located away from water courses in a manner that would not result in substantial erosion or siltation on or off-site. Impacts would be less than significant.

c-ii) 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: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

The proposed Project would include necessary drainage infrastructure as to not create additional runoff. New localized drainage facilities would be constructed at the ASR well sites. In addition to the ASR well sites, the centralized chlorination facility would include sufficient onsite stormwater drainage. Runoff from these sites would be relatively minor and would be collected on site. Minor alteration of existing drainage patterns within agricultural lands at these sites would not increase the rate or amount of surface runoff such that either on or off-site flooding would occur, result in an exceedance of the capacity of the existing stormwater drainage systems or create additional sources of polluted runoff.

No additional runoff would be created from the proposed Project within the WHWTP footprint and San Felipe Road and Fallon Road rights-of-way, as these surfaces would be rehabilitated to previous conditions after construction is completed. Impacts would be **less than significant.**

c-iii) 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: 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?

In addition to erosion and sedimentation, operation and maintenance of the proposed Project has the potential to result in the discharge of contaminants to receiving waters, such as pollutants that accumulate on impervious surfaces during the dry season and get washed off during the rains. In addition, operation and maintenance of the proposed Project would require the use and storage of various chemicals and fuels used in the water treatment process. However, all chemicals would be stored in bulk chemical storage tanks located in an enclosed area on a concrete slab, and all chemical piping located outside of the chemical containment area would be installed in double-contained piping.

With these precautions, any leak or spill would be contained onsite and would not reach receiving waters. In addition, the implementation of a SWPPP, a condition of the required General Construction Permit, would reduce the likelihood of any polluted waters leaving the proposed Project area. Impacts would be less than significant.

c-iv) 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: impede or redirect flood flows?

The proposed Project would not lead to a significant increase in impervious surfaces and would not impede existing flood flows. The proposed Project would include the preparation of a SWPPP, which

would reduce the risk of uncontrolled stormwater releases. The section of the new water transmission pipeline crossing Santa Ana Creek would be accomplished by boring underneath the streambed. Therefore, no alteration of the streambed would be necessary. Impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The proposed Project is not located in a tsunami or seiche zone. There would be no impact.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Implementation of the proposed Project would require the preparation of a SWPPP under the General Construction Permit. Additionally, the Hollister Municipal Code requires all development projects in the City to be designed to detain stormwater runoff on-site, consistent with the most current requirements, in order to prevent stormwater from entering the storm drain system.

Ultimately, the project would result in a net benefit for current groundwater storage. Due to the minimal increase in impervious surfaces, the proposed Project would not significantly inhibit groundwater recharge. The project would not substantially contribute to the depletion of groundwater supplies and would not substantially interfere with groundwater recharge. Therefore, the Project would not conflict with water quality control plans or groundwater management efforts. Impacts would be less than significant**.**

3.14 Land Use and Planning

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐
c) Conflict with any applicable HCP or NCCP?	☐	☐	☐	☒

3.14.1 Impact Analysis

a) Physically divide an established community?

The proposed Project would not physically divide an established community, as facilities either would be underground, built on previously developed sites, or built in a rural area. There would be 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?

The installation of new pipelines underneath San Felipe Road and Fallon Road would be located within the existing right-of-way. ASR well sites would be located on private farmland adjacent to Fallon Road. Private landowners would be compensated for any land used for the ASR well sites, and any applicable permits would be obtained prior to construction. As discussed in Section 3.2, Agriculture and Forestry Resources, ASR well sites would have relatively small footprints and would not result in significant loss of usable farmland. They also would be consistent with land uses allowed under the existing agricultural zoning. The project would not conflict with applicable land use plans and regulations. Impacts would be less than significant.

c) Conflict with any applicable HCP or NCCP?

The proposed Project area is not currently under an HCP or NCCP. There would be no impact.

3.15 Mineral Resources

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.15.1 Impact Analysis

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?

San Benito County identifies areas surrounding Hollister that are considered mineral resource areas with a Mineral Resource (MR) zoning designation. The proposed Project site is not located in an area known to contain mineral resources or with a MR designation. There would be 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?

The proposed Project site is not located in an area that has an MR designation. Therefore, it is not in an area that has been identified as a locally important mineral resource recovery site. There would be no impact.

3.16 Noise

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☒	☐

3.16.1 Impact Analysis

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?

Construction of the proposed Project would result in short-term noise increases in the Project vicinity. Noise impacts from construction activities depend on the type of construction equipment used, the timing and length of activities, the distance between the noise generating construction activities and receptors and shielding. Construction activities would occur over six months. Construction equipment would include drill rigs, graders, tractors, loaders, backhoes, cement and mortar mixers, pavers, rollers, saws, dozers, cranes, forklifts, and air compressors. According to the San Benito County 2035 General Plan, typical hourly construction noise levels could be as loud as 75 - 80 decibels at a distance of approximately 100 feet from the construction area during active construction periods. The nearest sensitive receptors would be the businesses and residences along Highway 156 adjacent to the pipeline alignment. Construction of the project would be temporary and intermittent.

Construction activities would be limited to weekdays between the hours of 7:00 AM and 8:00 PM; no night-time construction is proposed, which serves to limit noise impacts to neighboring residences. Moreover, as **MM NOI-1**, the proposed Project would be required to prepare and implement a Construction Noise Control Plan consistent with the County's Health and Safety Policy 8.12 - Construction Noise Control Plan (San Benito County, 2015a). This policy requires all construction projects within 500 feet of sensitive receptors to develop and implement construction noise control plans that consider available abatement measures to reduce construction noise levels as low as practical. Applicable measures to be considered would include (at a minimum) the following:

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Notify all abutting land uses of the construction schedule in writing; and
- Designate a "disturbance coordinator" (contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would require that reasonable measures warranted to correct the problem be implemented. Notices would be posted at the construction site and sent to neighbors regarding the construction schedule.

Project construction noise would be less than significant with mitigation.

Operation of the proposed Project involves the acquisition and storage of groundwater. The new pipeline, once installed underground, would not be a significant source of noise. The ASR well sites would be located on farmland in the vicinity of Fallon Road and would not be located near any sensitive receptors. The proposed Project would be in operation 24 hours per day and 7 days per week but would not result in a significant new source of noise. Impacts would be less than significant.

Mitigation Measures:

MM NOI-1: In accordance with Policy 8-12 of the Health and Safety Element of the San Benito County General Plan, the Project shall prepare a Construction Noise Control Plan to be reviewed and approved by San Benito County prior to final Project approval. The Project shall implement the approved Construction Noise Control Plan.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Increases in groundborne vibration levels attributed to the proposed Project would be primarily associated with construction-related activities. Construction on the proposed Project site would have the potential to result in varying degrees of 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. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver. Vibrations would be temporary and would cease with the completion of construction work. In particular, work along the pipeline would last no longer than a few days at any specific location.

The proposed Project would not generate significant groundborne vibration that could be felt at surrounding receptors. Proposed Project operations would not involve typical sources of operational vibration such as railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Impacts would be less than significant.

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?

Portions of the proposed Project are located adjacent to or in the vicinity of the Hollister Municipal Airport. The proposed water transmission pipeline would be adjacent to the airport near the intersection of San Felipe Road and Fallon Road. The pipeline would intersect both the 55-60 and 60-65 dB CNEL Noise Impact Zones, respectively. Some ASR wells may be located within the 55-60 dB CNEL Noise Impact Zone.

The water transmission pipeline would be installed by open trenching within the existing right-of-way for both San Felipe Road and Fallon Road. While construction crews would be in the vicinity of the airport, the exposure would be temporary in nature. Operation of the proposed Project would not require any personnel on-site, other than maintenance on an as needed basis. Impacts would be less than significant.

3.17 Population and Housing

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.17.1 Impact Analysis

a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

The proposed Project does not include the construction of new housing, nor would it cause an increase in the housing supply indirectly through the increased demand for housing or extension of roads or other infrastructure. The intent of the proposed Project is to provide a supply of water that can be used in times of drought; it is not intended to support future development. Therefore, it would not induce any unplanned population growth in the area. There would be no impact.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed Project would not displace existing housing or people because elements of the proposed Project are located within the public road right-of-way and agricultural fields. None of these areas have existing housing or residents. There would be no impact.

3.18 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 public services:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Fire Protection?	☐	☐	☒	☐
ii. Police Protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

3.18.1 Impact Analysis

a-i) 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 public services: Fire Protection?

The proposed Project would not result in an increased demand for fire protection services, as it would construct water infrastructure facilities that would not be occupied. Therefore, no new or expanded fire facilities would be required.

During construction, temporary traffic impacts could potentially lengthen fire crew response times. However, the proposed Project would be required to follow the 2022 Caltrans Standard Specifications for general construction traffic control. Traffic control would be required on the east side of San Felipe Road, which would have reduced access for trenching of the new pipeline. The implementation of a traffic control plan would reduce potential conflicts with emergency response times. Impacts would be less than significant.

a-ii) 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 public services: Police Protection?

The proposed Project would not result in an increased demand for police protection services, as it would construct water infrastructure facilities that would not be occupied. Therefore, no new or expanded police facilities would be required. Implementation of a traffic control plan would reduce any potential conflicts with emergency response times. Impacts would be less than significant.

a-iii) 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 public services: Schools?

The proposed Project would construct water infrastructure facilities that would not be occupied. As it would not construct any residences, it would not generate an increase in the student population that would require new or expanded school facilities. No impact would occur.

a-iv) 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 public services: Parks?

The proposed Project would construct water infrastructure facilities that would not be occupied. As it would not construct any residences, it would not generate an increase in the population that would require new or expanded park facilities. No impact would occur.

a-v) 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 public services: Other public facilities?

Other public facilities in the area include various City of Hollister offices and the San Benito County Free Library. The proposed Project would construct water infrastructure facilities that would not be occupied. As it would not construct any residences, it would not generate an increase in the population that would require new or expanded City or library facilities. No impact would occur.

3.19 Recreation

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Would the Project affect recreational facilities or its users by introducing safety hazard?	☐	☐	☐	☒

3.19.1 Impact Analysis

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?

The proposed Project would not result in an increase in population that would result in increased use of existing neighborhood or regional parks. There would be 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?

The proposed Project does not include the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. There would be no impact.

c) Would the Project affect recreational facilities or its users by introducing safety hazard?

Construction and operation of the proposed Project would not introduce a new safety hazard to existing recreational facilities. There would be no impact.

3.20 Transportation

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐
e) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☒	☐

3.20.1 Impact Analysis

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed Project is not considered a trip-generating project. The ASR wells will be situated on private lands in a rural/agricultural area. Pipelines would be undergrounded within existing rights-of-way. Operation of the proposed Project is not anticipated to increase traffic. While periodic maintenance of pipelines and the ASR wells would be required, maintenance activities would result in a negligible increase in additional traffic.

Construction would result in a short-term increase in traffic levels on roadways in the proposed Project area. Construction vehicles and equipment expected to be used include, but are not limited to, haul trucks, delivery and service trucks, and construction worker vehicles. At estimated peak day levels, up to approximately 30 one-way construction worker vehicle trips could occur. Therefore, construction-related traffic would result in a negligible increase in traffic volumes throughout the proposed Project area. Construction of the proposed Project could result in temporary detours to roadways and pedestrian and bicycle routes; all facilities, including sidewalks and pavement, would be returned to pre-existing conditions after construction. Therefore, no long-term impacts to transit, bicycle, or pedestrian facilities would occur.

Construction of the Proposed Project could result in temporary lane closures. Lane closures, if not properly regulated, could potentially conflict with a program, plan, ordinance, or policy addressing the circulation system. However, a traffic control plan would be prepared in accordance with local requirements. Accordingly, the proposed Project would not conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and a less than significant impact would occur.

b) Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

CEQA Guidelines Section 15064.3 describes specific considerations for evaluating a project's transportation impacts. Section 15064.3(b) establishes VMT as the most appropriate measure of transportation impacts, shifting away from the use of level of service analysis that evaluates a project's impacts on traffic conditions at nearby roadways and intersections.

The Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA contains screening thresholds for land use projects and suggests lead agencies may screen out VMT impacts using project size, maps, and transit availability. For small projects, absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a SCS or general plan, and projects that generate or attract fewer than 110 trips per day generally, may be assumed to cause a less than significant impact.

As described previously, the proposed Project, a water infrastructure project, would generate a limited number of vehicle trips, mainly by maintenance and repair vehicles. Therefore, the number of additional trips generated by the Proposed Project would likely be below the 110-trip screening threshold for VMT impacts contained in the OPR Technical Advisory. The proposed Project would cause a less than significant transportation impact related to VMT.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project does not include modification to the existing roadways or design features that would increase hazards. As described above, construction of the proposed Project could result in temporary roadway detours; however, all facilities would be returned to pre-existing conditions after construction, and a traffic control plan would be prepared in accordance with local requirements. Therefore, the proposed Project would not substantially increase hazards due to a geometric design feature or incompatible uses. No impact would occur.

d) Result in inadequate emergency access?

Construction of the proposed Project could result in temporary lane closures. Lane closures, if not properly regulated, could potentially result in inadequate emergency access. However, as described previously, a traffic control plan shall be prepared in accordance with local requirements. Therefore, with implementation of a traffic control plan, adequate emergency access would be provided to all land uses adjacent to construction activities. Accordingly, the proposed Project would not result in inadequate emergency access, and a less than significant impact would occur.

e) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed Project would not involve any changes to air traffic patterns. There would be no impact.

f) Result in inadequate parking capacity?

Construction of the proposed Project may temporarily decrease available parking in the vicinity of the new water transmission pipeline. However, this area would be restored to previous conditions upon the completion of construction. Operation of the proposed Project would not result in inadequate parking capacity within the Project area. Impacts would be less than significant.

3.21 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:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	☐	☐	☐	☒
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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☒	☐

3.21.1 Impact Analysis

If a lead agency determines that a project may cause a substantial adverse change to a TCR, the lead agency must consider measures to mitigate that impact. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC § 21080.3.2). Under existing law, environmental documents must not include information about the locations of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records act.]

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)?

The proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code section 5020.1(k) because no cultural and/or tribal resources located in or near the project area that qualify as CEQA historical resources would be affected by the proposed Project. There would be no 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Although no specific tribal cultural resources were identified during consultation, any previously unrecorded archaeological resource discovered during construction, or any other phase of the Project may also be determined to be a tribal cultural resource per the CEQA criteria noted above. Protocols

detailed under the Inadvertent Discovery **MM CUL-1** would address such a potential impact, along with applicable State statutes and therefore, impacts to tribal cultural resources would be less than significant and no additional mitigation measures are required.

3.22 Utilities and Service Systems

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.22.1 Impact Analysis

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?

The proposed Project would not require or result in the construction of new or expanded water or wastewater treatment facilities, or expansion of existing facilities beyond those evaluated in this joint environmental document. As described in Chapter 2.0, Project Description, the proposed Project contractor(s) will implement a USA to identify existing underground utilities and service connections prior to commencing any excavation work. Existing utilities would be avoided to the maximum extent practical and protected in place. Impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Proposed Project operations would not consume water. No potable water supplies would be delivered to customers as part of the proposed Project. As such, the proposed Project would not require new or expanded entitlements. There would be no 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?

The proposed Project would not generate wastewater. As such, it would not place any demands on existing wastewater treatment capacity. There would be 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?

Construction and implementation of the proposed Project is not anticipated to generate a significant amount of solid waste. To the extent possible, excavated soil would be reused on site. The construction contractor(s) would be required to dispose of excavated soil and solid waste generated during project-related construction in accordance with local solid waste disposal requirements. Once constructed, operation and maintenance activities would generate minimal solid waste, thereby not placing demand on capacity at the local landfill. The impact would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The proposed Project would only generate solid waste during the construction phase. Construction and operation of the proposed Project would comply with applicable federal, State, and local management and reduction statutes and regulations related to solid waste. There would be no impact.

3.23 Wildfire

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

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

3.23.1 Impact Analysis

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Construction of the proposed Project could temporarily impact emergency response times and evacuation routes. Portions of the proposed Project, located on Highway 156, could physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. However, the proposed Project would be required to follow the 2022 Caltrans Standard Specifications for general construction traffic control. Traffic control would be required on the east side of San Felipe Road, which would have reduced access for trenching of the new pipeline. The implementation of a traffic control plan would reduce potential conflicts with emergency response and evacuation plans. Impacts would be less than significant.

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?

The proposed Project would not exacerbate wildfire risks due to slope, prevailing winds, or other factors due to the proposed Project's location away from areas susceptible to wildfire. The proposed Project site is not located within an area of moderate, high, or very high fire hazard severity for the LRA. The proposed Project is located in a semi-rural area predominantly surrounded by agricultural fields and developed urban land uses. Impacts would be less than significant.

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?

Due to the location of the proposed Project and lack of interface with any natural areas susceptible to wildfire, infrastructure associated with the proposed Project would not exacerbate fire risk nor result in temporary or ongoing impacts related to wildfire risk. Impacts would be less than significant.

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?

The proposed Project would not expose people or structures to significant wildfire risks, given its location away from natural areas susceptible to wildfire. The proposed Project is also located in an area that is considered low in landslide susceptibility due to the predominantly flat topography. As such, it would not be vulnerable to downslope or downstream flooding that may result from runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

3.24 Environmental Justice

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

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause impacts to minority or low-income populations that are disproportionately high and adverse, either directly, indirectly, or cumulatively?	☐	☐	☒	☐

3.24.1 Impact Analysis

a) Would the project cause impacts to minority or low-income populations that are disproportionately high and adverse, either directly, indirectly, or cumulatively?

According to the U.S. Census, the city of Hollister has a median income, in 2023 dollars, of approximately $101,000 and has a poverty rate of approximately 10% (USCB 2023). The proposed Project would not be located in areas inhabited by low-income or minority populations. Although construction would generate impacts such as dust, traffic, and noise, these activities would be intermittent and temporary and would cease upon completion of work activities. Where potential impacts could occur, mitigation measures have been identified to reduce such effects to less than significant. In addition, construction-related effects would be similar regardless of their locations within or outside census tracts that contain minority/low-income communities. While construction of the proposed Project has the potential for short-term adverse environmental effects, Project operations would benefit the Hollister community, including low-income and minority households, by providing for the storage of water that can be used during dry years, thereby minimizing the need for substantial reductions in water use. Impacts would be less than significant.

3.25 Indian Trust Assets

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a potential to affect Indian Trust Assets?	☐	☐	☐	☒

3.25.1 Impact Analysis

a) Would the project have a potential to affect Indian Trust Assets?

The proposed Project does not have a potential to affect Indian Trust Assets, as there are none within San Benito County.

3.26 CEQA Mandatory Findings of Significance

Would the project:

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☒	☐	☐
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)?	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

3.26.1 Impact Analysis

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?

CEQA Determination: The proposed Project is located in a highly disturbed environment where special-status plant and animal species, and habitat to support such species are absent. The proposed Project does not have the potential to substantially degrade habitat for fish or wildlife species or cause a drop in population levels. While the Project would not threaten to eliminate a plant or animal community, it could potentially reduce the number of some special-status species. However, mitigation measures described in Section 5.7 would reduce these impacts to a level that would be less than significant. No known historic or prehistoric resources would be affected by the Project, and mitigation described in Section 5.8 would reduce impacts on encountered resources to a level that would be less than significant. Therefore, impacts would be less than significant with mitigation.

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)?

CEQA Determination: The Project would have less than significant impacts, with and without incorporation of mitigation measures, or no impacts on the environment as discussed throughout this Initial Study. Mitigation measures have been prescribed, where applicable, to reduce all potential environmental impacts to less than significant levels. Upon implementation of mitigation measures and compliance with existing regulations, the Project would not have the potential to contribute any significant cumulative impacts. As has been noted, the proposed Project is intended to provide water storage, which would be used only during dry years. It is not intended to be used to support future development of the Hollister area beyond that outlined in the Hollister General Plan. Potential cumulative impacts of the project would be less than significant.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

CEQA Determination: The Project would have less than significant impacts, with and without incorporation of mitigation measures, or no impacts on the environment as discussed throughout this Initial Study. Mitigation measures have been prescribed, where applicable, to reduce all potential environmental impacts to less than significant levels. Upon implementation of mitigation measures and compliance with existing regulations, the Project would not have the potential to result in substantial adverse impacts on human beings either directly or indirectly. Therefore, a less than significant impact is anticipated.

4 Consultation and Coordination

4.1 Summary of Public Involvement

This document is a joint CEQA Initial Study/Mitigated Negative Declaration (IS/MND) and NEPA Supplemental Environmental Assessment (SEA). SBCWD will conduct public outreach during the environmental review process, as required by CEQA. Notices of Intent to Adopt a Mitigated Negative Declaration (MND) will be published, and a public meeting will be held by the SBCWD Board of directors to consider adoption of the IS/MND. The combined Initial Study/Supplemental Environmental Assessment (IS/SEA) will be posted on Reclamation's website and will be available for review for 30 days.

4.2 IS/SEA Document Distribution

The CEQA public review period will start with publication of this document and will end after 30 days. The NEPA public review period is expected to coincide with the CEQA public review period. SBCWD will publish notices and will submit the IS/MND to the State Clearinghouse.

4.3 Final MND/NOD

SBCWD will consider adoption of the MND at a regular meeting of the Board of Directors. Meetings occur monthly, on the second Wednesday of the month. The date for consideration of adoption of the IS/MND has not yet been determined.

4.4 Public Meetings

As noted above, SBCWD will consider adoption of the IS/MND at a regular Board meeting. The public will have the opportunity to provide comments at that meeting.

4.5 Compliance with Federal Statutes and Regulations

This section describes the status of compliance with relevant federal laws, executive orders, and policies, and the consultation that has occurred to date or will occur in the near future. Most of these regulations involve ongoing compliance, which would occur in coordination with preparation of the IS/SEA.

Federal Endangered Species Act

Section 7 of the FESA requires federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. Under Section 7, a project that could result in incidental take of a listed threatened or endangered species must consult with the United States Fish and Wildlife Service (USFWS) to obtain a Biological Opinion (BO). If the BO finds that the project could jeopardize the existence of a listed species ("jeopardy opinion"), the agency cannot authorize the project until it is modified to obtain a "non-jeopardy" opinion.

Federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Executive Order 13168

The Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act prohibit the take of migratory birds (or any part, nest, or eggs of any such bird) and the take and commerce of eagles. Executive Order (EO) 13168 requires that any project with federal involvement address impacts of federal actions of migratory birds. No impacts migratory birds and other protected birds and their nests are anticipated by this Project, as no trees would be removed (see Section 3.7, Biological Resources). As such, the lead agency would be in compliance with this Act.

National Historic Preservation Act

The purpose of this act is to protect, preserve, rehabilitate, or restore significant historical, archeological, and cultural resources. Section 106 requires Federal agencies to take into account effects on historic properties. Once an undertaking has been established, the Section 106 review involves a step-by-step procedure described in detail in the implementing regulations (36 CFR Part 800). As described in Section 3.8, Cultural Resources, a cultural resource inventory of the proposed Project/Action area was conducted (ICFI 2013b). This inventory does not include elements that provide a full Section 106 evaluation. The full Section 106 compliance is anticipated during the design phase. Once complete, the cultural resources report will be submitted to Reclamation for initiation of the consultation process with SHPO. Completion of the cultural resources report and concurrence by SHPO would ensure compliance with the NHPA.

Executive Order 11988 – Floodplain Management and Executive Order 11990 – Protection of Wetlands

EO 11988 requires federal agencies to recognize the values of floodplains and to consider the public benefits from restoring and preserving floodplains. Under EO 11990, federal agencies must avoid affecting wetlands unless it is determined that no practicable alternative is available. Section 3.12, Hydrology and Water Quality, discusses proposed facilities relative to the 100-year flood zones. Portions of the proposed facilities would be located in 100-year flood plains; however, their placement would occur within existing developed areas and would not exacerbate flooding or create additional risks to the environment or the public. Section 3.7, Biological Resources, describes impacts on wetlands. As discussed, no work would occur within creek or canal channels; thus, there would be no loss of riparian habitat or waters of the U.S. from proposed activities. As such, the lead agency would be in compliance with these EOs.

Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA) requires a federal agency to consider the effects of its actions and programs on the nation's farmlands. The FPPA is intended to minimize the impact of federal programs with respect to the conversion of farmland to nonagricultural uses. It assures that, to the extent possible, federal programs are administered to be compatible with state, local, and private programs and policies to protect farmland. The proposed Project/Action would be located entirely within urban areas and would not occur within any designated important farmlands. As such, the lead agency would be in compliance with this Act.

Executive Order on Trails for America in the 21st Century

The EO on Trails for America requires federal agencies to protect, connect, promote, and assist trails of all types throughout the United States. The Delta de Anza Regional Trail is located adjacent to one of the Near-Term Project components. With implementation of the mitigation measure identified in this document, no adverse effects on the trail would occur.

Clean Air Act

U.S. Congress adopted general conformity requirements as part of the Clean Air Act (CAA) Amendments in 1990 and the USEPA implemented those requirements in 1993 (Sec. 176 of the CAA (42 U.S.C. § 7506) and 40 CFR Part 93, Subpart B). General conformity requires that all federal actions "conform" with the SIP as approved or promulgated by USEPA. The purpose of the general conformity program is to ensure that actions taken by the federal government do not undermine state or local efforts to achieve and maintain the national ambient air quality standards. Before a federal action is taken, it must be evaluated for conformity with the SIP. All "reasonably foreseeable" emissions predicted to result from the action are taken into consideration. These include direct and indirect emissions, and must be identified as to location and quantity. If it is found that the action would create emissions above de minimis threshold levels specified in USEPA regulations (40 CFR § 93.153(b)), or if the activity is considered "regionally significant" because its emissions exceed 10 percent of an area's total emissions, the action cannot proceed unless mitigation measures are specified that would bring the proposed Project/Action into conformance.

As described in Section 3.6, Air Quality, the proposed Project/Action's potential emissions are below minimum thresholds and are well below 10 percent of the area's inventory specified for each criteria pollutant designated non-attainment or maintenance for the Bay Area. As such, the lead agency is in compliance with this Act.

Executive Order 13007 – Indian Sacred Sites

Sacred sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." The proposed Project/Action would not be located on or impact any Federal lands and therefore would not affect any Indian sacred sites.

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6 Appendices

Appendix A. Biological Resources

Appendix A. Biological Resources Technical Memorandum

Accelerated Drought Response Project

San Benito County Water District

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Abbreviations

ADRoP	Accelerated Drought Response Project
ASR	aquifer storage and recovery
BO	Biological Opinion
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
City	City of Hollister
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
Corps	United States Army Corp of Engineers
CRPR	California Rare Plant Rank
CWA	Clean water act
DPS	Distinct population segment
ESA	federal Endangered Species Act
IPaC	USFWS Information for Planning and Consultation
ITP	Incidental Take Permit
LSAA	Lake or Streambed Alteration Agreement
MBTA	Migratory Bird Treaty Act
NMFS	National Marine Fisheries Service
SBCWD	San Benito County Water District
SSC	species of special concern
USFWS	United States Fish and Wildlife Service
WOTUS	Waters of the U.S

Management Summary

The Accelerated Drought Response Project (ADRoP) is the first phase a larger Aquifer Storage and Recovery (ASR) project designed to address water supply deficits in the San Benito Urban Area. The San Benito County Water District (SBCWD) proposes to expand the West Hills Water Treatment Plant (WHWTP) near the City of Hollister, construct five ASR wells, and install new pipelines for recharge water transmission from the City of Hollister to the proposed ASR wells and recovery water from ASR wells to the City's distribution system (Proposed Project or Project).

This biological technical appendix summarizes findings from field studies (aquatic delineation surveys, biological reconnaissance surveys, and habitat mapping) that were conducted in 2024 and provides regulatory context for future analyses. The Project area for the field studies includes the alignment (Figure 1). Much of the Project area occurs within or adjacent to developed areas which do not provide high-quality habitat for special-status plant or wildlife species. In advance of field studies, HDR conducted a desktop review of the Project area as outlined in Section 2, Background Information Review. Common and scientific names of special-status plant and wildlife species identified through the desktop review and field studies as having potential to occur in the Project area, along with their current statuses, are listed below.

Three special-status plant and seven special-status wildlife species were identified as having the potential to occur within the Project area:

- San Joaquin spearscale (*Extriplex joaquinana*) – CRPR 1B.2
- Prostrate vernal pool navarretia (*Navarretia prostrata*) – CRPR 1B.1
- Saline clover (*Trifolium hydrophilum*) – CRPR 1B.2
- California tiger salamander (*Ambystoma californiense*) – Federally and State threatened
- California red-legged frog (Rana draytonii) – Federally threatened, State species of concern
- Northwestern pond turtle (*Emys marmorata*) – Federally proposed threatened, State species of concern
- Burrowing owl (*Athene cunicularia*) – State candidate, State species of concern
- Swainson's hawk (*Buteo swainsoni*) – State threatened
- Western red bat (*Lasiurus frantzii*) – State species of concern
- San Joaquin kit fox (*Vulpes macrotis mutica*) – Federally endangered, State threatened

Proposed Project Description

This section includes the purpose and need, description, and location of the Proposed Project. It concludes with a discussion of how the Project area was defined.

1.1 Purpose and Need

The primary purpose of the ADRoP project is to capture excess surface water in wet years and store it in the aquifer for later use during drought years. ADRoP, aligned with the overall ASR project, will improve water quality, ensure sustainability, and improve the resilience of the groundwater basin.

1.2 Description of Proposed Project

The Proposed Project consists of four elements:

- *WHWTP Expansion* – The Proposed Project would expand the capacity of the WHWTP from 4.5 MGD to 6.75 MGD. This would be accomplished by the following design elements to be located within the footprint of the existing WTP:
    - One new 2.25 MGD raw water pump added to the existing raw water pump station (RWPS)
    - One new 3.0 MGD automatic strainer
    - One new 4.5 MGD ballasted clarification pretreatment
    - One new 2.25 MGD dual media gravity filter
    - Chemical feed and storage facilities:
        - One 2500-gallon sulfuric acid storage tank
        - One 6650-gallon sodium hydroxide storage tank
    - One new solids drying bed sized for the 2.25 MGD expansion

- *ASR Wells* – Five ASR wells would be constructed as part of the proposed Project. Each ASR well site would consist of a well, a vertical turbine, line shaft pump, hollow shaft motor, piping, and appurtenances set up on a concrete pad. The discharge head assembly and wellhead piping would sit on a concrete pad and the remaining site would be paved with vehicular gravel allowing driving access surrounding all above-grade site features. Each ASR well site would occupy 0.3-acres surrounded by an 8-foot-high intruder resistant fence for security purposes. all five ASR well sites have been sited within the farmlands surrounding the Fallon Road area north of the City of Hollister. Four of the ASR well sites would be located north of Fallon Road, while the fifth site would be located to the south of Fallon Road. Each well site would be located within existing agricultural fields along unincorporated County roads.

- *Disinfection Building* - A disinfection building will be located along Fallon Road to continuously inject chlorine into the raw water extracted from the ASR wells as it begins westward transit in the 24-inch pipeline to the City of Hollister distribution system. The disinfection site will have an 8-inch-thick Concrete Masonry Unit (CMU) building, approximately 20 feet by 20 feet, to house chemical equipment.

The sodium hypochlorite feed system will consist of high-density polyethylene (HDPE) totes, chemical metering pumps, piping and valves. The HDPE totes will be on portable grate platforms for drainage and containment.

- *Water Transmission Pipeline* - The new water transmission pipeline would convey recharge and recovery water to the ASR wells, WHWTP, and the Hollister Distribution System to increase the capacity of the existing distribution system. The pipelines would be installed at a minimum of 36 inches of cover below finished grade. The alignment includes the following pipelines:
    - Approximately 7,000 LF of new 12-inch water pipe northward from N. Chappell Road along San Felipe Road parallel to an existing water main.
    - Approximately 5,500 LF of new 24-inch diameter pipeline eastward along Fallon Road from San Felipe Road.
    - Approximately 11,000 LF of lateral pipelines to the ASR well sites

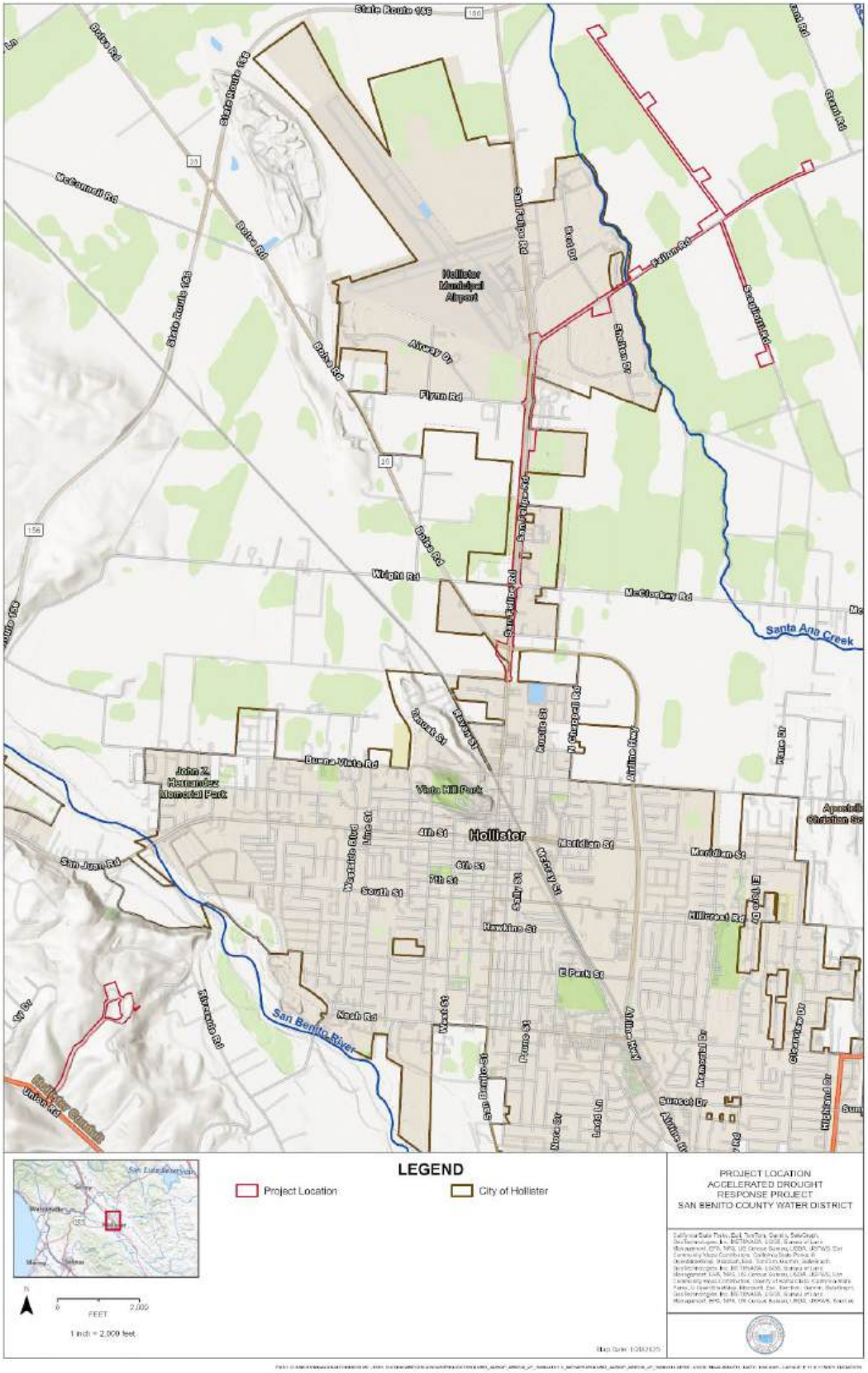
1.3 Location Description

The Proposed Project is located within San Benito County, with portions being located within the City of Hollister (City). The Proposed Project extends from Union Road to the southwest of the City, to the intersection of Fallon Road and Fairview Road to the northeast of the City. New pipelines would be installed underneath San Benito Road near the intersection with Santa Ana Road, continuing north to San Felipe Road, and would continue northeast on to Fallon Road. ASR well sites would be constructed along Fallon Road. The pipeline would include approximately 8,900 linear feet along San Felipe Road, and approximately 9,800 linear feet along Fallon Road. Total new pipeline would be approximately 18,700 linear feet, or approximately 3.5 miles. Surrounding land uses are predominantly agricultural, with some commercial uses along San Felipe Road.

1.4 Project Area

The Project area spans approximately 3.5 miles along the proposed pipeline route of San Felipe and Fallon Roads and encompasses approximately 75 acres of agricultural lands where the five ASR wells may be placed (Figure 1).

Figure 1. Project Location



2.0 Methods for Determining Existing Conditions

The following information sources and field activities were used to identify existing conditions of the Project area and the biological resources occurring or potentially occurring in the Project area.

2.1 Literature Review

To assess terrestrial biological resources with the potential to occur within the Project area, four United States Geological Survey quadrants (USGS quads) were queried in the California Department of Fish and Wildlife (CDFW) CNDDB (CDFW 2024). These USGS quads included Hollister, San Felipe, Three Sisters, and Tres Pinos. Information on federally listed species was obtained from a query of the USFWS Information for Planning and Consulting (IPaC) database (USFWS 2024a). In addition, the following references were reviewed:

- USFWS Critical Habitat Portal (USFWS 2024b);
- USFWS National Wetland Inventory (USFWS 2024c);
- California Native Plant Society (CNPS) species list query for the Project area (CNPS 2024);
- California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB) species list query for a 5-mile buffer around the Project area (CDFW 2024);
- Soil map unit descriptions for the Project area (NRCS 2024); and
- eBird records for the Project area (eBird 2024).

Additional information on the environmental setting was collected from general sources on special-status plants and wildlife (e.g., California Bird Species of Special Concern [Shuford and Gardali 2008], California Amphibian and Reptile Species of Special Concern [Thomson et al. 2016], and California Wildlife Habitat Relationships information [CDFW 2023]).

2.2 Field Surveys

A delineation of aquatic resources and a biological reconnaissance survey were conducted in June 2024 by HDR (HDR 2024). For the purposes of the aquatic resources delineation, the “field delineation survey area” was equal to the Project area and included the footprint the pipeline. Data collected during the biological survey was used to create a biological resources map with vegetation, conspicuous special-status species, and special-status species habitat. The field mapping was prepared consistent with the *Guidelines for Assessing the Effects of Proposed Actions on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFW 2018). HDR conducted vegetation mapping in accordance with CDFW's List of Vegetation Alliances and Associations (or Natural Communities List) (CDFW 2024e). This list is based on A Manual of California Vegetation, Second Edition (Sawyer et al. 2009), which is the California expression of the National Vegetation Classification. HDR mapped vegetation communities and land covers at the alliance level; however, where appropriate, vegetation communities not included in this list were mapped to accurately describe the vegetation present within the

Project area. The vegetation communities were then cross-walked to the descriptions outlined in the California Wildlife Habitat Relationships Classifications (CDFW 2023e).

HDR compiled a general inventory of plant and animal species detected by sight, calls, tracks, scat, or other signs as part of the field survey and assessed the potential for special-status species occurrence. HDR also mapped observable sensitive resources including flowering annual plants, shrubs and trees, and conspicuous wildlife (i.e., birds and some reptiles) commonly accepted as regionally sensitive by CNPS, CDFW, or USFWS. No focused surveys for plant or wildlife species were performed. Field observations of vegetation communities and special-status species were digitized into a GIS and georeferenced to produce land cover maps as shown on Figure 2.

Figure 2. Land Cover Types (Page 1 of 3)

Figure 2. Land Cover Types (Page 2 of 3)

Figure 2. Land Cover Types (Page 3 of 3)

3.0 Existing Conditions

3.1 Land Cover

This section provides descriptions for all vegetation communities and land cover types found to occur throughout the Project area (Sawyer et al. 2009; CDFW 2023). Table 1 shows land cover types in the Project area. Figure 2 depicts the location of each vegetation community over a current aerial image of the region.

Some vegetation communities are deemed sensitive communities/habitats and are identified in local or regional plans, policies, or regulations, or by CDFW or USFWS. CDFW's Rarity Ranking follows NatureServe's Heritage Methodology (Faber-Langendoen et al. 2012; CDFW 2023f) in which communities are given a G (global) and S (State) rank ranging from 1 (very rare and threatened) to 5 (demonstrably secure). Natural Communities with ranks of S1-S3 are considered sensitive. The only sensitive community within the Project area is Pacific willow grove habitat.

Table 1. Land Cover Types Present in the Project Area

Land Cover	Total Acres
Agriculture	13.09
Disturbed	9.70
Drainage Ditch	1.50
Pacific Willow Grove	0.01
Ruderal	11.23
Annual Grassland	0.84
Total	**36.37**

3.1.1 Agriculture

California agricultural lands are fields, enclosed or otherwise, used for agricultural purposes such as cultivating crops. A field may also be an area left to lie fallow or as arable land California annual grassland is dominated by a dense to sparse cover of annual grasses. Some plant species observed in this land cover included lacinato kale (*Brassica oleracea var. palmifolia*), Swiss chard (*Beta vulgaris*), and celery (*Apium graveolens*). Some wildlife species observed in this vegetation community included: cabbage white (*Pieris rapae*), loggerhead shrike (*Lanius ludovicianus*), Swainson's hawk (*Buteo swainsoni*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), barn swallow (*Hirundo rustica*), and red-winged blackbird (*Agelaius phoeniceus*). Agricultural lands occur throughout the Project area. Agricultural fields can provide suitable nesting and overwintering habitat for burrowing owl (*Athene cunicularia*) as well as foraging habitat for western red bat (*Lasiurus frantzii*).

3.1.2 Drainage Ditch

A drainage is an artificial hydraulic system used to transport water from a source (dam and river) to different agricultural fields for irrigation. Within the Project area, a drainage ditch runs along an agricultural access road that intersects Fallon Road. This drainage ditch empties into the Santa Ana Creek.

3.1.3 Pacific Willow Grove

Pacific willow grove habitat typically occupies areas along the banks of rivers, streams, lakes, springs, and floodplains and can sometimes co-occur with wetlands. Plant species observed in this land cover include Pacific willow (*Salix lasiandra*), Fremont's cottonwood (*Populus fremontii ssp. fremontii*), English walnut (*Juglans regia*), edible fig (*Ficus carica*), mulefat (*Baccharis salicifolia subsp. salicifolia*), clustered dock (*Rumex conglomeratus*), poison hemlock (*Conium maculatum*), and bristly oxtongue (*Helminthotheca echioides*). Wildlife species observed in this vegetation community include western tiger swallowtail (*Papilio rutulus*), Anna's hummingbird (*Calypte anna*), Swainson's hawk (*Buteo swainsoni*), Nuttall's woodpecker (*Dryobates nuttallii*), ash-throated flycatcher (*Myiarchus cinerascens*), cliff swallow (*Petrochelidon pyrrhonota*), and northern rough-winged swallow (*Stelgidoptegryx serripennis*).

3.1.4 Disturbed

The disturbed landcover is comprised by dirt roads, road shoulders, and areas that have been previously altered.

Native plants have been replaced by horticultural varieties. Some wildlife species observed in this land cover included: rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), and northern mockingbird (*Mimus polyglottos*).

3.1.5 Annual Grasslands

The annual grassland land cover only occurs in the area surrounding the existing WHWTP that has not been previously disturbed. The grassland is dominated by wild oat (*Avena fatua*).

3.1.6 Ruderal

Ruderal plant communities consist of varied, often temporary, collections of mostly non-native plants along roadsides or other disturbed areas. Shallow soils may be underlain by gravel and compacted or hard-pan surfaces, preventing many plants from establishing. Disturbed areas may be devoid of vegetation due to a recent human-induced activity. Semi-natural herbaceous stands were noted in the central and southern portions of the Project area. Some plant species observed in this land cover included: bindweed (*Convolvulus arvensis*), wild oat, and Italian ryegrass (*Festuca perennis*). Some wildlife species observed in this land cover included: Eurasian collared-dove (*Streptopelia decaocto*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus*), and house finch (*Haemorhous mexicanus*).

3.2 Wetlands and Waters of the United States

The term *waters of the United States* is an encompassing term used by U.S. Army Corps of Engineers (USACE) for areas that are subject to federal regulation under the Clean Water Act (CWA), Sections 404 and 10, which refer to wetlands and non-wetland (other waters) features. Wetlands that exhibit the prevalence of hydrophytic vegetation, hydric soils, and wetland hydrology were identified within the Project area and include fresh and saline emergent wetlands.

Based on the field delineation conducted in June 2024 by HDR, a preliminary jurisdictional determination (PJD) is being sought for the Proposed Project**.**

Inland *non-wetland waters of the United States* are seasonal or perennial waterbodies, including lakes, stream channels, drainages, ponds, and other surface water features that exhibit an OHWM or mean high water line but lack positive indicators for one or two of the three wetland parameters (33 CFR 328.4). Non-wetland waters of the United States that occur in the Project area are restricted to Santa Ana Creek.

In addition, the Regional Water Quality Control Board (RWQCB) regulates water quality under California's Porter-Cologne Act. Waters regulated under the Porter-Cologne Act are called *waters of the state*. Waters of the state include any surface or groundwater, including saline waters, within state boundaries. Pacific willow grove plant communities associated with stream channels, such as the Santa Ana Creek corridor in the Project area, could also be considered jurisdictional by RWQCB. Aquatic features that do not fall under USACE jurisdiction (e.g., isolated features, ditches, features excavated in uplands) would be considered waters of the state and include the drainage channel and freshwater emergent wetland.

California Fish & Game Code Section 89.1, through referral to California Water Code Section 13050, defines *waters of the state* as "any surface water or groundwater, including saline waters, within the boundaries of the state." Activities that result in diversion or obstruction of the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or deposit debris, waste, or other materials that could pass into any river, stream, or lake require that the Project applicant enter into a Lake or Streambed Alteration Agreement (LSAA) with CDFW under Section 1602 of the California Fish and Game Code. Therefore, any work over, within, or under the banks of Santa Ana Creek would require an LSAA with CDFW under Section 1602.

3.3 Special-Status Species

For the purposes of this document, special-status plant and wildlife species refers to those species that meet one or more of the following criteria:

- Species listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.11 [listed animals], 50 CFR 17.12 [listed plants], and various notices in the FR [proposed species]).
- Species that are candidates for possible future listing as threatened or endangered under FESA (81 FR 87246, December 2, 2016).

- Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 CCR 670.5).
- Plants listed as rare under the California Native Plant Protection Act (California Fish and Game Code Section 1900 et seq.).
- Plants with a California Rare Plant Rank (CRPR) of 1 or 2.
- Animal species of special concern to CDFW, Special Animals List.
- Animals fully protected in California (California Fish and Game Code Sections 3511 [birds], 4700 [mammals], 5050 [amphibians and reptiles], and 5515 [fish]).
- Taxa (i.e., taxonomic categories or groups) that meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the CEQA Guidelines (e.g., species that appear on the CDFW special animals list).

Special-status species were identified through a search of CNDDB database, USFWS Critical Habitat Portal, the CNPS database, and other sources as being historically reported to occur within the general project vicinity and Project area (CDFW 2024; USFWS 2024; CNPS 2024; Thomson et al. 2016). The potential for special-status species to occur in the project site and the Project area was evaluated according to the following criteria:

- **None:** Project area contains a complete lack of suitable habitat, the local range for the species is restricted, and/or the species is extirpated in this region.
- **Not Expected:** suitable habitat or key habitat elements might be present in the Project area but might be of poor quality or isolated from the nearest extant occurrences. Habitat suitability refers to factors such as elevation, soil chemistry and type, vegetation communities, microhabitats, and degraded/substantially altered habitats.
- **Possible:** the presence of suitable habitat or key habitat elements in the Project area that potentially support the species.
- **Present:** either the target species was observed directly or its presence was confirmed by diagnostic signs during field investigations or in previous studies in the Project area.

3.3.1 Special-Status Plants

Approximately 13 special-status plant species occur in or within the vicinity (5 miles) of the Project area (CDFW 2024; CNPS 2024). Reconnaissance-level surveys were conducted by HDR in June 2024; no special-status plant species were observed. All species with potential to occur in the Project area were first identified through a search of CNDDB database, USFWS Critical Habitat Portal, and the CNPS database. They were then evaluated for their potential to occur based on the known range of each species and their habitat associations.

Approximately 10 plant species do not occur or are not expected to occur within the Project area due to the lack of key habitat features. These species are therefore not addressed further in this document. Three species have the potential to occur in the Project area. Each of these species are listed in Table 2 and discussed in the following section. Please see land cover mapping on Figure 2 in reference to suitable habitats for special-status plant species.

Table 2. Special-Status Plant Species Potential to Occur within or near the Project Area

Species	Common Name	Federal Status	State/CRPR Status	Critical Habitat designated?
Plants				
Extriplex joaquinana	San Joaquin spearscale	None	None/1B.2	No
Navarretia prostrata	Prostrate vernal pool navarretia	None	None/1B.1	No
Trifolium hydrophilum	Saline clover	None	None/1B.2	No

Source: Species and Listing Status (CDFW 2024), Critical Habitat (USFWS 2024)

San Joaquin Spearscale

San Joaquin spearscale (*Extriplex joaquinana*) is a CNPS CRPR 1B.2 annual herb in the goosefoot family (*Chenopodiaceae*) that blooms through the early summer to early fall (April to October). It occurs in alkaline soils in chenopod scrub, meadows, seeps, playas, and grassland at elevations of 0-2,740 feet. There is one extant location approximately 7 miles from the Project area in a seasonally wet, regularly plowed agriculture field (CDFW 2024; CNPS 2024). This species was not observed during the June 2024 field visit when the species would have been in bloom. Therefore, this species is not expected to occur in the Project area.

Prostrate Vernal Pool Navarretia

Prostrate vernal pool navarretia (*Navarretia prostrata*) is a CNPS CRPR 1B.1 annual herb in the phlox family (*Polemoniaceae*) that blooms in the spring and summer (April to July). It occurs in mesic coastal scrub, meadows, and seeps, alkaline grassland, and vernal pools at elevations of 49-3,968 feet. There is one extant location approximately 6 miles from the Project area on the edge of San Felipe Lake (CDFW 2024; CNPS 2024). Meadow, seep, and vernal pool habitats are absent from the Project area. The areas dominated by grassland are slightly to moderately alkaline; however, they are highly disturbed. This species was not observed during the June 2024 field visit when the species would have been in bloom. Therefore, this species is not expected to occur in the Project area.

Saline Clover

Saline clover (*Trifolium hydrophilum*) is a CNPS CRPR 1B.2 annual herb in the pea family (Fabaceae) that blooms in the spring (April to June). The general habitats are marshes, swamps, vernal pools, and mesic, alkaline, valley or foothill grasslands at elevations of 0–985 feet. There is an extant record approximately 5 miles northwest of the Project area at the north end of a ruderal field (CDFW 2024; CNPS 2024). The field was cultivated in the last few years. This species was not observed during the June 2024 field visit when

the species would have been in bloom. Therefore, this species is not expected to occur in the Project area.

3.3.2 Special-Status Wildlife

Approximately 22 special-status wildlife species occur in or within the vicinity (four quad search radius) of the Project area (CDFW 2024; CNPS 2024). One reconnaissance-level survey was conducted by HDR in June 2024. One special-status wildlife species, Swainson's hawk, was observed flying overhead; no other special-status wildlife species or their sign (i.e., burrows, scat) were observed. No focused surveys for special-status wildlife species have been conducted for this Project; therefore, all species present in the Project area vicinity identified through a search of CNDDB database, USFWS Critical Habitat Portal, the CNPS database, and other sources were evaluated for their potential to occur based on the known range of each species and their habitat associations.

Approximately 16 wildlife species do not occur or are not expected to occur within the Project area due to the lack of key habitat features. These species are therefore not addressed further in this document.

Special-status species with the potential to occur in the Project area are listed in Table 3 and discussed in the following section. Please see land cover mapping on Figure 2 in reference to suitable habitats for special-status wildlife species.

Table 3. Special-status Wildlife Species Potential to Occur within or near the Project Area

Species and DPS[1]	Common Name	Federal Status[2]	State Status[3]	Critical Habitat designated?
Amphibians				
Ambystoma californiense pop. 1	California tiger salamander – central California DPS	FT	ST	Yes – but not present in the Project area
Rana draytonii	California red-legged frog	FT	SSC	Yes - but not present in the Project area
Reptiles				
Actinemys marmorata	Northwestern pond turtle	FPT	SSC	No
Buteo swainsoni	Swainson's hawk	None	ST	No
Athene cunicularia	Burrowing owl	None	CE	No
Mammals				
Lasiurus frantzii	Western red bat	None	SSC	No
Vulpes macrotis mutica	San Joaquin kit fox	FE	ST	Yes – but not present in the Project area

[1]Distinct Population Segment (DPS)
[2]Federally endangered (FE); Federal Proposed Threatened (FPT)
[3]State Species of Special Concern (SSC); State Candidate for listing (CE); State Threatened (ST)
Source: Species and Listing Status (CDFW 2024), Critical Habitat (USFWS 2024c)

California red-legged frog

The California red-legged frog (CRLF) is federally listed as threatened and a California species of special concern (CDFW 2023a). The historical range of CRLF generally extends south along the coast from the vicinity of Point Reyes National Seashore, Marin County and inland from the vicinity of Redding, Shasta County, southward along the interior Coast Ranges and Sierra Nevada foothills to northwestern Baja California, Mexico (Jennings and Hayes 1985).

CRLF inhabit marshes, streams, lakes, ponds, and other, usually permanent, sources of water that have dense riparian vegetation (USFWS 2002). CRLF primarily breeds in ponds and less frequently in pools within streams (Thomson et al., 2016). CRLF often disperse from breeding sites to various aquatic, riparian, and upland estivation habitats during the summer (66 FR 14628); however, it is common for individuals to remain in the breeding area year-round (66 FR 14628; USFWS 2002).

CRLF has been observed in Santa Ana Creek approximately 2.5 miles upstream from the Fallon Road bridge (a). Suitable habitat for CRLF exists within the Project area within Santa Ana Creek along the corridor for upland usage and dispersal. As the site was dry during the time of the site visit, the ratio of open space to aquatic vegetation is unknown making it difficult to assess the site's suitability for breeding. The drainage channel along the access road may serve as a migratory corridor for CRLF during wetter months. There are no barriers to dispersal between known CRLF occurrences and habitat within the Project area is conducive to the species. CRLF has the potential to occur within the Project area.

California tiger salamander
California tiger salamander (CTS) is a federal and state threatened species. CTS require specific aquatic and terrestrial habitats to complete different phases of their lifecycle. Adult salamanders spend the majority of their lives underground in burrows (Trenham 2001). With the onset of the rainy season in November, adult salamanders will leave their burrows and return to breeding ponds (Trenham et al. 2000). Males arrive earlier than females and remain in breeding ponds longer than females. Breeding ponds historically consisted of vernal pools and ponds, but the species has adapted to breed in livestock ponds and other modified features as a result of habitat encroachment (USFWS 2014).

Optimal terrestrial habitat consists of annual grasslands and open woodlands occupied by small burrowing mammals as CTS cannot create their own burrows. Habitats with wide expanses of open grassland and multiple pools are ideal for CTS breeding and dispersal.

There are multiple occurrences of CTS documented within 2 miles of the Project area. Additionally, designated critical habitat for the species is hydrologically connected to the Project area by Santa Ana Creek. Although the conversion of most of the Project area to agricultural lands renders the area not conducive to CTS, the proximity of the area to CTS critical habitat and multiple known occurrences provides for species potential. Although there will be no expansion of the WHWTP footprint, the facility was constructed within grasslands that were considered by the 2014 BO to be suitable habitat for the species.

One CTS individual was found in the project footprint during facility construction. There is potential for CTS to occur in both portions of the Project area.

Swainson's Hawk
Swainson's hawk is state listed as threatened. The breeding range for Swainson's hawk in California consists of the extreme northeast portion of the state, the Sacramento and San Joaquin Valleys, valleys of the Sierra Nevada Range in Inyo and Mono Counties, and occasionally elsewhere in the state (Bechard et al. 2020). Swainson's hawk primarily winter in South America but some individuals winter in the Sacramento–San Joaquin Delta (Delta) (Bechard et al. 2020). They usually nest in large, mature trees in undeveloped areas. Most nest sites (87%) in the Central Valley are found in riparian habitats (Estep 1989), primarily because trees are more available there. Swainson's hawk also nests in mature roadside trees and in isolated trees in agricultural fields or pastures. The breeding season is March through August (Estep 1989). Nest sites are generally adjacent to, or within flying distance of, suitable foraging habitat and near large tracts of agricultural lands (CDFW 2016).

A Swainson's hawk was observed flying over the Project area during the June 2024 site visit. The mature trees within the corridor along Santa Ana Creek could provide suitable nesting habitat for this species. Swainson's hawk can be assumed present within the Project area.

Burrowing Owl
The burrowing owl is a Candidate species for listing under the California Endangered Species Act. A small ground dwelling owl, its habitat is associated with open grassland, open lots near human habitation, and along roadsides. Within California, the breeding range of burrowing owl includes the northeastern plateau, Central Valley, San Joaquin Valley, Imperial Valley, Mojave and Colorado deserts, the southwest corner of San Diego County, and in a few coastal counties between Los Angeles and San Francisco. Burrowing owls nest in abandoned burrows dug by small mammals, such as ground squirrels (*Spermophilus* spp.), as well as larger mammals, such as foxes (Vulpes spp.) and badgers (*Taxidea taxus*). If burrows are unavailable, burrowing owls may dig their own in soft soil, or utilize pipes, culverts and/or nest boxes (Zeiner et al. 1988-1990). The agricultural fields within the Project area are suitable foraging and nesting habitat for this species. The species may also utilize small mammal burrows along irrigation ditches and in fallow fields for overwintering and potentially breeding. There is potential for burrowing owl within the Project area.

Western red bat
The western red bat (*Lasiurus frantzii*) is a California species of special concern. Historically, the range of western red bats extended from southern British Columbia down into Mexico, with a gap in the Great Basin Desert (Solick et al. 2020); however, Solick et al. (2020) show more accurate ranges, documenting the species from north-central and coastal California to southeastern Arizona and sparsely up into Utah and southwestern Nevada. The western red bat is a foliage roosting species and finds itself in riparian habitats within arid and semi-arid regions of the southwestern U.S.; it almost exclusively

roosts within densely foliated trees: willow, cottonwood, sycamore, elder, ash species (Andersen and Geluso 2018, Solick et al. 2020).

This species could roost in the Project area in the foliage of the various dense riparian trees along Santa Ana Creek. Bats roosting in the area may forage over Santa Ana Creek or the surrounding agriculture fields. This species is considered possible to roost and forage within the Project area.

Northwestern pond turtle
The northwestern pond turtle (NWPT) is a federal candidate species for listing and a California species of special concern (CDFW 2023a; 88 FR 68370). The NWPT is the only endemic freshwater turtle in California. The NWPT occurs throughout a broad range of permanent and intermittent aquatic habitats including rivers, lakes, ponds, vernal pools, and marshes with a preference for habitat with abundant basking sites, underwater refugia, and slow-moving water (Bury and Germano 2008). This species requires upland habitat suitable for nesting and overwintering, with loose soil for excavation and infrequent disturbance (Thomson et al. 2016).
This species has been documented upstream of the Project area within Santa Ana Creek. Within the Project area, Santa Ana Creek does not contain suitable nesting or basking habitat due to the overgrowth of emergent vegetation and density of the canopy. However, the species could utilize the Santa Ana Creek corridor as a migration corridor to travel among more suitable habitats.

San Joaquin kit fox
San Joaquin kit fox is a federal endangered and state threatened small fox that only grows to be five pounds at its largest. The species is endemic to California's Central Valley. Kit foxes are primarily found in scrub or annual grassland communities with loose textured soils for denning (USFWS 2020). Dens are typically found on flat ground and are essential for kit foxes as they provide shelter during extreme heat, escape from predators, and safety for pups (USFWS 2020). San Joaquin kit fox is not expected to occur within the Project area although it was discussed in the CEQA and NEPA documents for the footprint of the original WHWTP construction. The Biological Opinion issued by the USFWS for the 2014 construction of the WTP concluded that suitable habitat for kit fox was likely to be impacted by construction, due to the presence of suitable burrowing habitat within the footprint of the WHWTP facility at the time of its construction (USFWS 2014). There will be no expansion of the WTP footprint. There will no increased impacts to grasslands that could support kit fox, so increased impacts to the species is not anticipated. The BO issued for the original project still covers activities around the WHWTP. The Project area around the proposed pipeline and ASR wells consists of mostly paved roads and agricultural fields. The BO explains that while kit fox may forage within agricultural fields, the species cannot develop dens in active agricultural fields (USFWS 2014).

3.4 Critical Habitat

The USFWS and NMFS maintain areas of critical habitat for federally regulated species to safeguard the continued existence of such species by restricting the type and extent of

activities proposed under Section 7 of Federal Endangered Species Act (FESA). Section 7 of FESA requires federal agencies to consult with USFWS and/or NMFS for actions that may take a listed species or their critical habitat. There is no designated critical habitat within the Project area. However, designated critical habitat for CTS is hydrologically connected to the Project area by Santa Ana Creek and begins approximately 2.4 miles upstream from the Project area.

3.5 Wildlife Corridors

Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. Wildlife corridors contribute to population viability by assuring continual exchange of genes between populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires). Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may also serve as primary habitat for smaller animals, such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping-stones for dispersal.

The Santa Ana Creek is the primary wildlife corridor in the Project area. The undisturbed grasslands surrounding the WHWTP also offer dispersal areas for species such as San Joaquin kit fox and CTS.

4.0 Regulatory Framework

4.1 Federal

4.1.1 Federal Endangered Species Act

Pursuant to FESA, USFWS and NMFS have authority over Projects that may result in take of a species listed as threatened or endangered under the act. Take is defined under the FESA, in part, as killing, harming, or harassing. Under federal regulations, take is further defined to include habitat modification or degradation that results, or is reasonably expected to result, in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. If a likelihood exists that an Project would result in take of a federally listed species, either an incidental take permit, under Section 10(a) of FESA, or a federal interagency consultation, under Section 7 of FESA, is required to avoid take liability.

The USFWS and NMFS maintain areas of critical habitat for federally regulated species to safeguard the continued existence of such species by restricting the type and extent of activities proposed under Section 7 of FESA. Section 7 of FESA requires federal agencies to consult with USFWS and/or NMFS for actions that may take a listed species or their habitat. Federal agency actions include activities that are on federal land, conducted by a federal agency, funded by a federal agency, or authorized by a federal agency (including issuance of federal permits and licenses).

Under Section 7, the federal agency conducting, funding, or permitting an action—the federal lead agency—must consult with USFWS and/or NMFS, as appropriate, to ensure that the proposed action will not jeopardize endangered or threatened species or destroy or adversely modify designated critical habitat. If a proposed action "may affect" a listed species or designated critical habitat, the lead agency is required to prepare a biological assessment (BA), evaluating the nature and severity of the expected effect. In response, USFWS and/or NMFS issues a biological opinion (BO), with a determination that the proposed action results in one of the following.

- Jeopardize the continued existence of one or more listed species (jeopardy finding) or result in the destruction or adverse modification of critical habitat (adverse modification finding)
- Not jeopardize the continued existence of any listed species (no jeopardy finding) or result in adverse modification of critical habitat (no adverse modification finding).

The BO issued by USFWS may stipulate discretionary "reasonable and prudent" conservation measures. If the proposed action would not jeopardize a listed species, USFWS will issue an incidental take statement to authorize the proposed activity.

For construction of the Proposed Project, Section 7 consultation may be initiated by the USACE, who would be the lead federal agency, and would complete the consultation under Section 7 related to permits for Project elements that affect wetland or waters within their jurisdiction.

4.1.2 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA), as amended in 1964, was enacted to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. The statute requires federal agencies to take into consideration the effect that water-related Projects would have on fish and wildlife resources. Consultation and coordination with USFWS and CDFW are required to address ways to prevent loss of and damage to fish and wildlife resources, and to further develop and improve these resources.

4.1.3 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) domestically implements a series of international treaties that provide for migratory bird protection. The MBTA authorizes the Secretary of the Interior to regulate the taking of migratory birds. The act further provides that it is unlawful, except as permitted by regulations, "to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird…" (16 USC 703). This prohibition includes both direct and indirect acts, although harassment and habitat modification are not included unless they result in direct loss of birds, nests, or eggs. The current list of species protected by the MBTA can be found in the March 1, 2020, *Federal Register* (75 FR 9281). This list comprises several hundred species, including essentially all native birds. Permits for take of nongame migratory birds can be issued only for specific activities, such as scientific collecting, rehabilitation, propagation, education, taxidermy, and protection of human health and safety and of personal property. USFWS publishes a list of birds of conservation concern to identify migratory nongame birds that are likely to become candidates for listing under FESA without additional conservation actions.

4.1.4 Clean Water Act

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The CWA directs states to establish water quality standards for all "waters of the United States" and to review and update such standards on a triennial basis. The U.S. Environmental Protection Agency (USEPA) has delegated responsibility for implementation of portions of the CWA, including water quality control planning and control programs, such as the NPDES program (discussed below), to the SWRCB and the RWQCBs. The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and state water quality statutes and regulations. Key sections of the CWA include the following.

Section 401

CWA Section 401 requires that an applicant pursuing a federal permit to conduct an activity that may result in a discharge of a pollutant obtain a Water Quality Certification (or waiver). A Water Quality Certification requires the evaluation of water quality considerations associated with dredging or placement of fill materials into waters of the United States. The CWA section 401 program follows a general approach of: (1) impact avoidance as a first priority, (2) minimization of impacts if avoidance is not possible, and (3) mitigation to compensate for unavoidable permanent impacts and ensure no net loss

of water resources occurs. Water Quality Certifications are issued by one of the nine geographically separated Regional Water Quality Control Boards (RWQCBs) in California. Under the CWA, the RWQCB must issue or waive a Section 401 Water Quality Certification for a project to be permitted under CWA Section 404.

Section 404

CWA Section 404 regulates the placement of dredge or fill material into waters of the United States. Section 404 permits are administered by the USACE. The USACE issues permits under general categories of Nationwide Permits (NWPs) or issues individual permits on a case-by-case basis. USACE 404 permits generally require mitigation for loss of wetlands or aquatic resources.

4.1.5 Executive Order 13112: Prevention and Control of Invasive Species

Federal Executive Order (EO) 13112, signed February 3, 1999, directs all federal agencies to prevent and control the introduction of invasive species in a cost-effective and environmentally sound manner. The EO established the National Invasive Species Council, which is composed of federal agencies and departments, and a supporting Invasive Species Advisory Committee composed of state, local, and private entities. The council's invasive species management plan recommends objectives and measures to implement the EO and to prevent the introduction and spread of invasive species (National Invasive Species Council 2008). The EO requires consideration of invasive species in National Environmental Policy Act analyses, including their identification and distribution, their potential impacts, and measures to prevent or eradicate them.

4.2 State

4.2.1 California Endangered Species Act

CESA (California Fish and Game Code Sections 2050–2116) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants and their habitats that are threatened with extinction and those experiencing a significant decline that, if not halted, would lead to a threatened or endangered designation will be protected or preserved.

Under Section 2081 of the California Fish and Game Code, a permit from CDFW is required for Projects that could result in the take of a species that is state listed as threatened or endangered. Under CESA, take is defined as an activity that would directly or indirectly kill an individual of a species. The definition does not include harm or harass, as does the definition of take under FESA. Consequently, the threshold for take under CESA is higher than that under FESA. For example, habitat modification is not necessarily considered take under CESA. CESA does, however, require that impacts be fully mitigated (California Fish and Game Code Section 2081[b]; California Code of Regulations, Title 14, Sections 783.2–783.8).

4.2.2 California Fish and Game Code

Sections 1600 through 1616

Sections 1600 through 1616 of the California Fish and Game Code require that a notification must be submitted to the CDFW for "any activity that may substantially divert or obstruct the natural flow of, or substantially change or use materials from the bed, channel, or bank of any river, stream, or lake." CDFW reviews the notification package and, if necessary, submits to the applicant a draft LSAA that includes measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the applicant is an LSAA.

Sections 3503, 3503.5, 3513, AND 3800

Sections 3503, 3503.5, 3513, and 3800 of the California Fish and Game Code afford protection over the destruction of nests or eggs of native bird species, and it states that no birds in the orders of Falconiformes or Strigiformes (i.e., birds of prey) can be taken, possessed, or destroyed.

Sections 3511, 4700, 5050, AND 5515

Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the California Fish and Game Code designate certain species as "fully protected." Fully protected species may not be taken or possessed, and incidental take of these species cannot be authorized, except under a Natural Community Conservation Plan (NCCP). The State of California first began to designate species as fully protected prior to the creation of the CESA and the FESA. Lists of fully protected species were initially developed to provide protection to animals that were rare or faced possible extinction, including fish, amphibians, reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under the CESA or the FESA. Fully protected species may not be taken or possessed at any time, except under certain circumstances, such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock (California Fish and Game Code Section 3511).

4.2.3 California Native Plant Protection Act

The CNPPA of 1977 gave the California Fish and Game Commission the authority to list plant species as rare or endangered and authorized them to adopt regulations prohibiting importation of rare and endangered plants into California, take of rare and endangered plants, and sale of rare and endangered plants. The CNPPA prohibits take, possession, transportation, exportation, importation, or sale of rare and threatened plants, except as a result of agricultural practices, fire control measures, timber operations, mining, or actions of public agencies or private utilities. Private landowners are also exempt from the prohibition against removing rare and endangered plants, although they must provide 10-day notice to CDFW before removing the plants. Although still active, the CNPPA has mostly been superseded by CESA.

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Appendix B. Cultural Resources

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Under CEQA, a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. Substantial adverse change in the significance of a historical resource is defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The significance of a historical resource would be significantly impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the NRHP, the CRHR, or a local register of historic resources pursuant to Section 5020.1(k) of the Public Resources Code.

This section presents an overview of information on the local precontact history and historic-period of the Proposed Action area and vicinity. Understanding local cultural history is critical in defining important local, state, and/or regional events, trends, or patterns in prehistory and history by which the significance of prehistoric and historical cultural resources may be evaluated and their significance may be established.

Archaeological Context

Within the Hollister Valley basin, sites older than 2500 Cal B.P. have not been recorded, which may be reflective of increased alluviation during the late Holocene (Rosenthal et al. 2003). Substantial alterations in sediment formation process may have erased potential Paleoindian and Millingstone signatures or Paleoenvironmental patterns may have disfavored a substantial human presence.

Sites dating to the Middle and Middle/Late Transition periods have been identified near Elkhorn Slough and near Salinas as well as to the northeast in Hollister Valley. Sites from these periods include bowl and hopper mortars; long-stemmed, concave base, and side-notched projectile points. Archaeological evidence of the Late and Protohistoric periods (A.D. 1200-1769) is poorly represented in the adjacent Monterey Bay area but do occur to the southwest in Hollister Valley. Sites dating to these periods include schist, clamshell, and abalone disc beads; small side-notched projectile points; hopper and bedrock mortars; millingslabs; pestles; and handstones.

Historic Context

While the Monterey Bay had been explored by Europeans since the 17th century, it would be over a century until Spain established a settlement. From Monterey, overland explorations were conducted, bringing Spanish soldiers and missionaries into Hollister Valley. By 1797, Mission San Juan Bautista was founded though it would not be until 1803 that the cornerstone of a permanent mission church would be laid down (Barrows 1893). By the early 1800s, the population of Mission San Juan Bautista totaled 987 (Forbes 1839). After more than a decade of intermittent rebellion and warfare, New Spain (Mexico and the California territory) won independence from Spain in 1821. Extensive land grants were established in the interior during the Mexican Period, in part to increase the population inland.

In 1845, the Congress of the United States of America declared war on Mexico. On Tuesday July 7th, 1846, the United States landed 250 marines and sailors at Monterrey who raised the flag of the

United States at the customs house and read an official proclamation claiming Alta California for the United States (Bancroft 1884). The next several decades brought Euro-American settlers into the Project area.

An economy centered on agriculture drove the settlement of the region. The foundations were laid prior to the American period, with Mission San Juan Bautista being the second most abundant agricultural producer within the jurisdiction of the Presidio of Monterey (Forbes 1839). The first Euroamerican to settle within what would later become the City of Hollister was Jacob Watson (Barrows 1893). By 1855, William Welles Hollister, along with his brother and sister, were leasing most of Hollister Valley for pastureland (McMahon and Sonne 2012). In 1868, an outline of a town was laid out near the home of William Hollister with 50 homestead lots (McMahon and Sonne 2012). The same year, Hollister sold his portion of Hollister Valley to the San Justo Homestead Association (ibid). In honor of the former landowner, the association named the new town 'Hollister' (Pierce 1981). By 1880, the town had grown to a population of a thousand residents (Barrows 1893). By 1874, the current county of San Benito County was carved out of Monterey County with Hollister as its capital (ibid). Agriculture and ranching continue to be the primary drivers of Hollister's economy.

Regulatory Setting

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires federal undertakings to consider the effects of the action on historic properties. Historic properties are defined by the Advisory Council on Historic Preservation (ACHP) regulations (36 Code of Federal Regulations [CFR] Part 800) and consist of any prehistoric or historical archaeological site, building, structure, historic district, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register criteria (36 CFR Part 800.16[l]).

To determine whether an undertaking could affect NRHP-eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP.

For projects involving a lead federal agency, cultural resource significance is evaluated in terms of eligibility for listing in the NRHP. For a property to be considered for inclusion in the NRHP, it must be at least 50 years old and meet the criteria for evaluation set forth in 36 CFR Part 60.4.

The quality of significance in American history, architecture, archaeology, engineering, and culture must be present in districts, sites, buildings, structures, and objects that possess integrity of design, setting, materials, workmanship, feeling, and association. They must also meet one or more of the four criteria for inclusion on the NRHP:

- Criterion A, Association with events that have made a significant contribution to the broad patterns of history;
- Criterion B, Association with the lives of persons significant in the past;
- Criterion C, Embodiment of distinctive characteristics of a type, period, or method of construction, the work of a master, high artistic values, or a significant and distinguishable entity whose components may lack individual distinction; or

- Criterion D, History of yielding, or the potential to yield, information important in prehistory or history.

If a cultural resources professional meeting the Secretary of Interior's Qualification Standards determines a particular resource meets one of these criteria, it is considered as an eligible historic property for listing in the NRHP. Among other criteria considerations, a property that has achieved significance within the last 50 years is not considered eligible for inclusion in the NRHP unless certain exceptional conditions are met.

Resources listed on, or eligible to, the NRHP are automatically considered historical resources for the purposes of CEQA.

California Environmental Quality Act

CEQA Guidelines Section 15064.5 defines a historical resource as a resource included in or eligible for inclusion in the California Register of Historical Resources (CRHR) or included in a local register of historical resources. It also includes any object, building, structure, site, area, place, record, or manuscript which a CEQA lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Generally, a resource shall be determined by a CEQA lead agency to be "historically significant" if the resource meets the criteria for listing in the CRHR, which include the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (CCR 14 Section 4852).

To be considered a historical resource for the purpose of CEQA, the resource must also have integrity, which is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is eligible for listing in the CRHR (CCR 14 Section 4852[c]).

Unique Archeological Resources

The PRC also requires the Lead Agency to determine whether or not a project would have a significant effect on unique archaeological resources (PRC Section 21083.2[a]). The PRC defines a unique archaeological resource as follows.

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC Section 21083.2).

In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of a historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

California Health and Safety Code Section 7050.5

Regarding the discovery of human remains on non-federal lands, Section 7050.5 of the California Health and Safety Code (CHSC) prohibits the disturbance or removal of any human remains in or from any location other than a dedicated cemetery without authority of law. Section 7050.5(b) and (c) set forth following procedures to be implemented should human remains be encountered:

- b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the California Government Code [CGC], that the remains are not subject to the provisions of Section 27491 of the CGC or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the PRC. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
- c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) (CHSC Section 7050.5).

Of particular note to cultural resources is subsection (c). After notification, NAHC would follow the procedures outlined in PRC Section 5097.98, which include notification of most likely descendants (MLD), if possible, and recommendations for treatment of the remains. The MLD would have 24 hours after notification by the NAHC to make their recommendation (PRC Section 5097.98). In addition, knowing or willful possession of Native American human remains or artifacts taken from a grave or cairn is a felony under State law (PRC Section 5097.99).

Methodology

The location and eligibility status of previously recorded archaeological, ethnographic, and built environment resources were identified for the project Area of Potential Effect (APE; Figure 1) using:

- Records search data of previously conducted cultural resource studies and previously recorded cultural resources on file with Northwest Information Center (NWIC) of the California Historical Resources Information System – database searches conducted in March 2022 and July 2024.
- Listings of the National Register of Historic Places (NRHP).
- Listings of the California Register of Historical Resources (CRHR).
- Listings of the California Office of Historic Preservation's (OHP) Built Environment Resources Directory (BERD).
- California Points of Historical Interest (1992).
- California State Landmarks (1996).
- California Inventory of Historic Resources (1988).

The Web Soil Survey online mapping tool available from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS)(https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx).

Historic aerials and topographic maps available at (www.historicaerials.com).

The records search data revealed that the Proposed Project area had previously been surveyed only in part. As such, a survey of the portions of the Proposed Project that had not previously been surveyed was determined necessary. The field effort for the Proposed Project consisted of intensive pedestrian surveys of all exposed ground surfaces in the Proposed Project area. Surveys were conducted between June and September 2024. Consultation efforts with California Native American tribes that may have an interest in the Proposed Project are summarized in the Tribal Cultural Resources chapter.

Identification Results

As a result of the records search and cultural surveys, two previously recorded resources and six newly recorded resources were identified. One of the previously recorded resources is a historic-period archaeological resource (P-35-000358) and the other is a built environment resource (P-35-000652). One of the newly recorded resources is a historic-period archaeological resource and five are built environment resources. No previously recorded or newly discovered precontact resources were encountered. Descriptions of these resources and evaluation recommendations in accordance with the criteria for CRHR listing (CCR 14 Section 4852), as described previously in this chapter, are provided in the following sections.

Figure 1. Area of Potential Effect (APE)

Archaeological Resources

P-35-000358 was originally recorded in 2001 and, at the time, consisted of redeposited structural materials from two small, wood-framed houses built in 1916 and 1925 and an agricultural weigh station. The current survey effort did not observe evidence of the previously recorded resource, and it appears to have been destroyed or removed.

HDR Temp #1 is a newly recorded historic-period refuse scatter broadly dispersed throughout an agricultural irrigation ditch. The refuse scatter shows signs of having been displaced and redeposited through the maintenance of the irrigation ditch. It consists of glass fragments (cobalt, aqua, colorless, amber, olive, green, and amethyst) and ceramic fragments. Density of artifacts is around two to five items and/or fragments per square meter. Additionally, there is modern debris interspersed throughout the site. The trash scatter appears to have accumulated from the early to late 20th century and may be associated with a nearby residence. As an archaeological resource, it has been evaluated for its potential significance under CRHR Criteria 1, 2, and 4. The resource does not appear to have been associated with events that have made a significant contribution to the broad patterns of our history. Research has not demonstrated that the resource is associated with the lives of persons significant in our past. The recording of this historic-period refuse scatter encapsulates its likely information potential. As such, the resource has been recommended not eligible for listing on the CRHR.

Built Environment Resources

P-35-000652 was originally recorded in 2001 and, at the time, consisted of a 16.8-acre property, which contained a single-family residence, a barn, a shed, a wash house, and the remnants of a tankhouse dating circa 1900. The current survey effort observed that the structures and associated foundations have been destroyed and any building debris removed. The location where the structures had been located has been plowed and an agricultural irrigation system has been constructed. It was concluded from observation that the resource is no longer extant and, accordingly, does not meet any of the CRHR criteria as a historical resource.

1101 San Felipe Road is a mid-20th century commercial building. The structure measures 188ft east to west and 60ft north to south with a gabled roof and a false front. As a later or further development of the Cottage Corners area of Hollister, the resource does not appear to have been associated with events that have made a significant contribution to the broad patterns of our history (Criterion 1). Research has not demonstrated that the resource is associated with the lives of persons significant in our past (Criterion 2). Architecturally, the resource appears to have a common design found in the region (Criterion 3). The recording of this built-environment resource encapsulates its likely information potential, and further research is unlikely to yield additional information (Criterion 4). As such, the resource has been recommended not eligible for listing on the CRHR.

Wiebe Motel (1271 San Felipe Road) is a mid-20th century motel with Googie/Mid-Century Modern style design elements. The motel building, paved parking lot, and grounds measure 198ft north to south by 228ft east to west. Though the Wiebe Motel is a product of the mid to late 20th century car and motor lodge culture, the resource itself does not appear to have made a significant contribution to the broad patterns of our history (Criterion 1). Research has not demonstrated that the resource is associated with the lives of persons significant in our past (Criterion 2). The resource does not appear to be a distinctive example of a type (Criterion 3). The recording of this built-environment resource encapsulates its likely information potential, and further research is unlikely to yield

additional information (Criterion 4). As such, the resource has been recommended not eligible for listing on the CRHR.

501 Fallon Road is a late 20th century single-family residential building in a mixed residential, commercial, and agricultural setting. The single-story building is part of a residential subdivision that was built around 1970 north of the town center of Hollister. As a later and further residential development of the City of Hollister, the resource does not appear to have been associated with events that have made a significant contribution to the broad patterns of our history (Criterion 1). Research has not demonstrated that the resource is associated with the lives of persons significant in our past (Criterion 2). Architecturally, the resource appears to have a common design found in the region (Criterion 3). The recording of this built-environment resource encapsulates its likely information potential, and further research is unlikely to yield additional information (Criterion 4). As such, the resource has been recommended not eligible for listing on the CRHR.

2071 Santa Rosa Drive is a late 20th century single-family residential building, and part of the same residential subdivision as 501 Fallon Road. It is a single-story building with a design like 501 Fallon Road. As a later and further residential development of the City of Hollister, the resource does not appear to have been associated with events that have made a significant contribution to the broad patterns of our history (Criterion 1). Research has not demonstrated that the resource is associated with the lives of persons significant in our past (Criterion 2). Architecturally, the resource appears to have a common design found in the region (Criterion 3). The recording of this built-environment resource encapsulates its likely information potential, and further research is unlikely to yield additional information (Criterion 4). As such, the resource has been recommended not eligible for listing on the CRHR.

882 Fallon Road consists of two conjoined later 20th century agricultural or commercial buildings. The larger of the two freestanding buildings measures approximately 130 feet by 40 feet, and the smaller building measures 110 feet by 25 feet with a conjoining structure measuring 30 feet by 22 feet. Both structures appear to be single-story with pitched roofs. The agricultural development of this portion of Hollister Valley began in the 19th century, making the resource a later and relatively recent continuation of the use of area for agricultural and associated commercial purposes. The resource does not appear to have been associated with events that have made a significant contribution to the broad patterns of our history. (Criterion 1). Research has not demonstrated that the resource is associated with the lives of persons significant in our past (Criterion 2). Architecturally, the resource appears to have a common design found in the region (Criterion 3). The recording of this built-environment resource encapsulates its likely information potential, and further research is unlikely to yield additional information (Criterion 4). As such, the resource has been recommended not eligible for listing on the CRHR.

Identification of Historical Resources

No historical resources per CCR 14 Section 4852 were identified as a result of the records search and surveys.

Cultural Resources

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires federal undertakings to consider the effects of the action on historic properties. Historic properties are defined by the

Advisory Council on Historic Preservation (ACHP) regulations (36 Code of Federal Regulations [CFR] Part 800) and consist of any prehistoric or historical archaeological site, building, structure, historic district, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register criteria (36 CFR Part 800.16[l]).

To determine whether an undertaking could affect NRHP-eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP.

For projects involving a lead federal agency, cultural resource significance is evaluated in terms of eligibility for listing in the NRHP. For a property to be considered for inclusion in the NRHP, it must be at least 50 years old and meet the criteria for evaluation set forth in 36 CFR Part 60.4.

The quality of significance in American history, architecture, archaeology, engineering, and culture must be present in districts, sites, buildings, structures, and objects that possess integrity of design, setting, materials, workmanship, feeling, and association. They must also meet one or more of the four criteria for inclusion on the NRHP:

- Criterion A, Association with events that have made a significant contribution to the broad patterns of history;
- Criterion B, Association with the lives of persons significant in the past;
- Criterion C, Embodiment of distinctive characteristics of a type, period, or method of construction, the work of a master, high artistic values, or a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D, History of yielding, or the potential to yield, information important in prehistory or history.

If a cultural resources professional meeting the Secretary of Interior's Qualification Standards determines a particular resource meets one of these criteria, it is considered as an eligible historic property for listing in the NRHP. Among other criteria considerations, a property that has achieved significance within the last 50 years is not considered eligible for inclusion in the NRHP unless certain exceptional conditions are met.

Resources listed on, or eligible to, the NRHP are automatically considered historical resources for the purposes of CEQA.

California Environmental Quality Act

CEQA Guidelines Section 15064.5 defines a historical resource as a resource included in or eligible for inclusion in the California Register of Historical Resources (CRHR) or included in a local register of historical resources. It also includes any object, building, structure, site, area, place, record, or manuscript which a CEQA lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Generally, a resource shall be determined by a CEQA lead agency to be "historically significant" if the resource meets the criteria for listing in the CRHR, which include the following:

Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

1. Is associated with the lives of persons important in our past;
2. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
3. Has yielded, or may be likely to yield, information important in prehistory or history. (CCR 14 Section 4852).

To be considered a historical resource for the purpose of CEQA, the resource must also have integrity, which is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is eligible for listing in the CRHR (CCR 14 Section 4852[c]).

Unique Archeological Resources

The PRC also requires the Lead Agency to determine whether or not a project would have a significant effect on unique archaeological resources (PRC Section 21083.2[a]). The PRC defines a unique archaeological resource as follows.

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC Section 21083.2).

In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of a historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

California Health and Safety Code Section 7050.5

Regarding the discovery of human remains on non-federal lands, Section 7050.5 of the California Health and Safety Code (CHSC) prohibits the disturbance or removal of any human remains in or from any location other than a dedicated cemetery without authority of law. Section 7050.5(b) and (c) set forth following procedures to be implemented should human remains be encountered:

- b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10

(commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the California Government Code [CGC], that the remains are not subject to the provisions of Section 27491 of the CGC or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the PRC. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

- c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) (CHSC Section 7050.5).

Of particular note to cultural resources is subsection (c). After notification, NAHC would follow the procedures outlined in PRC Section 5097.98, which include notification of most likely descendants (MLD), if possible, and recommendations for treatment of the remains. The MLD would have 24 hours after notification by the NAHC to make their recommendation (PRC Section 5097.98). In addition, knowing or willful possession of Native American human remains or artifacts taken from a grave or cairn is a felony under State law (PRC Section 5097.99).

Appendix C. Environmental Setting

Appendix C. Environmental Settings

This appendix contains the Environmental Settings for each resource category discussed in the IS/EA. This information was moved to an appendix in order to meet NEPA page limit guidelines. Please refer to the IS/EA for the Environmental checklist and significance determinations. See additional detailed analysis in Appendix A (Biological Resources) and Appendix B (Cultural Resources).

Aesthetics

The Proposed Project has components located within the incorporated City of Hollister as well as components located to the south and north of city limits within unincorporated San Benito County. Hollister is surrounded by mountain ranges, including the Gabilan Range to the south and west and by the Diablo Range to the east. The Proposed Project area's visual setting is characterized by agricultural fields, vacant land, and low-density commercial and residential development, with distant views of mountainous terrain.

Agriculture and Forestry Resources

Agricultural land represents about 75 percent of the total land area in San Benito County (San Benito County 2015a). The City of Hollister consists of lands with deep alluvial soils and includes some of the most productive soils in the country (City of Hollister 2005).

Figure 1 shows Farmland designations within the Proposed Project area, based on information from the California Important Farmland Finder (DOC 2022a). According to the Important Farmland finder, most of the Proposed Project area is within land designated as Urban and Built-Up Land. However, the proposed ASR well sites are located within areas designated as Farmland of Statewide Importance.

Figure 1: Farmland Designations

No forestry resources are located in the Proposed Project area (San Benito County 2015a).

Air Quality

The Proposed Project area is located within the boundaries of the North Central Coast Air Basin (NCCAB). The NCCAB comprises all of Santa Cruz, San Benito and Monterey Counties. The Monterey Bay Air Resources District (MBARD), formerly the Monterey Bay Unified Air Pollution Control District (MBUAPCD), is the regional air quality agency for the NCCAB.

Regional Climate, Topography, and Meteorology

The NCCAB lies along the central coast of California and covers an area of 5,159 square miles that contains alternating mountain ranges and valleys. The San Benito Valley, which runs northwest-southeast and is bounded on the east by the Diablo Range and on the west by the Gabilan Range (MBUAPCD 2008).

The semi-permanent high pressure cell in the eastern Pacific is the basic controlling factor in the climate of the NCCAB. In the summer, the high pressure cell is dominant and causes persistent west and northwest winds over the entire California coast. Air descends in the Pacific High, forming a stable temperature inversion of hot air over a cool coastal layer of air. The onshore air currents pass over cool ocean waters to bring fog and relatively cool air into the coastal valleys. The warmer air aloft acts as a lid to inhibit vertical air movement. The generally northwest-southeast orientation of mountainous ridges tends to restrict and channel the summer onshore air currents. Surface heating in the interior portion of the Salinas and San Benito Valleys creates a weak low pressure which intensifies the onshore air flow during the afternoon and evening (MBUAPCD 2008).

In the fall, the surface winds become weak, and the marine layer grows shallow, dissipating altogether on some days. The air flow is occasionally reversed in a weak offshore movement, and the relatively stationary air mass is held in place by the Pacific High pressure cell, which allows pollutants to build up over a period of a few days. It is most often during this season that the north or east winds develop to transport pollutants from either the San Francisco Bay area or the Central Valley into the NCCAB. During the winter, the Pacific High migrates southward and has less influence on the air basin. Air frequently flows in a southeasterly direction out of the Salinas and San Benito Valleys, especially during night and morning hours. Northwest winds are nevertheless still dominant in winter, but easterly flow is more frequent. The general absence of deep, persistent inversions and the occasional storm systems usually result in good air quality for the basin as a whole in winter and early spring (MBUAPCD 2008).

Hollister, at the northern end of the San Benito Valley, experiences west winds nearly one-third of the time. The prevailing air flow during the summer months probably originates in the Monterey Bay area and enters the northern end of the San Benito Valley through the air gap through the Gabilan Range occupied by the Pajaro River. In addition, a northwesterly air flow frequently transports pollutants into the San Benito Valley from the Santa Clara Valley (MBUAPCD 2008).

Pollutants of Concern

Criteria Air Pollutants

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards to protect public health and welfare. There are six criteria

air pollutants: ozone (O_3); particulate matter, which consists of particulate matter 10 micrometers and smaller (PM_{10}) and particulate matter 2.5 micrometers and smaller ($PM_{2.5}$); carbon monoxide (CO); nitrogen dioxide (NO_2); sulfur dioxide (SO_2); and lead (Pb). O_3 is considered a regional pollutant because its precursors - nitrogen oxides (NO_X) and reactive organic gases (ROG) - affect air quality on a regional scale. Pollutants such as CO are considered local pollutants that tend to accumulate in the air locally. Particulate matter is both a regional and local pollutant. The primary criteria pollutants generated by the Proposed Project are O_3 precursors (NO_X and ROG), CO, and PM_{10}. Principal characteristics and possible health and environmental effects of these criteria air pollutants are described below.

1 **Ozone**: O_3, also known as smog, is not emitted directly into the atmosphere. Instead, it is a secondary pollutant that is formed when ROG and NO_X (both by-products of the internal combustion engine exhaust) undergo chemical reactions in the presence of sunlight. ROG and NO_X are known as O_3 precursors. Ozone poses a health threat to those who already suffer from respiratory diseases (e.g., asthma) as well as to healthy people. Exposure to O_3 can cause coughing, sore or scratchy throat, inflamed airways, chest pain, lung infection, and aggravation of lung diseases such as asthma, emphysema, and chronic bronchitis (United Stated Environmental Protection Agency [USEPA] 2024a). Exposure to elevated concentrations of O_3 can result in deaths from respiratory causes. Additionally, ozone has been tied to crop damage, typically in the form of stunted growth, reduced photosynthesis, increased risk of diseases, and leaf discoloration (USEPA 2023).

2 **Carbon Monoxide**: CO is a colorless, odorless gas produced by incomplete combustion of carbon substances, such as gasoline or diesel fuel. CO concentrations tend to be the highest during winter mornings with little to no wind, when surface-based inversions trap the pollutant at ground levels. The highest ambient CO concentrations are generally found near traffic-congested corridors and intersections. The primary adverse health effect associated with CO is interference with normal oxygen transfer to the blood, which may result in tissue oxygen deprivation. Exposure to very high levels of CO, which are possible indoors or in other enclosed environments, can cause dizziness, confusion, unconsciousness, and death (USEPA 2024b).

3 **Particulate matter**: Particulate matter consists of finely divided solids or liquids such as soot, dust, aerosols, fumes, and mists. Particulate matter includes PM_{10}, which are inhalable coarse particles with a diameter of 10 micrometers or less, and $PM_{2.5}$, which are inhalable fine particles with a diameter of 2.5 micrometers or less. Particulate discharge into the atmosphere results primarily from industrial, agricultural, construction, and transportation activities. Particles less than 10 micrometers in diameter pose the greatest risk to health because these particles can get deep into the lungs and may even enter the bloodstream. Health effects of exposure to particulate matter include premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (e.g., irritation of the airways, coughing or difficulty breathing). Particulate matter can also cause environmental effects such as reduced visibility (haze), environmental damage (e.g., making lakes and streams acidic, depleting nutrients in soils, damaging sensitive forests and farm crops, affecting diversity of ecosystems, and contributing to acid rain effects), and aesthetic damage by staining stone and other materials (USEPA 2024c).

Toxic Air Contaminants

According to the California Health and Safety Code, a toxic air contaminant (TAC) is “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health” (California Air Resources Board [CARB] 2024a). CARB has formally identified over 200 substances and groups of substances as TACs. Examples of TACs include benzene; asbestos; formaldehyde; dioxin; toluene; and metals such as cadmium, mercury, chromium, and lead compounds, among many others (CARB 2024a).

Diesel engines emit a complex mixture of pollutants, including very small carbon particles, or “soot” coated with numerous organic compounds, known as diesel particulate matter (DPM). DPM contains more than 40 cancer-causing substances, most of which are readily adsorbed onto the soot particles. In 1998, the CARB identified DPM as a TAC based on its potential to cause cancer.

Most major sources of diesel engine emissions, such as ships, trains, and trucks, operate in and around urban areas. As a result, people living and working in cities and industrial areas and near heavy truck or train traffic are most likely to be exposed to DPM. Exposure to DPM can contribute to a range of health problems, including cancer. Diesel engine emissions are believed to be responsible for about 70 percent of California's estimated known cancer risk attributable to TACs (CARB 2024b). DPM comprises about 8 percent of PM2.5 in outdoor air, which is a known health hazard. As a significant fraction of PM2.5, DPM contributes to numerous health impacts that have been attributed to particulate matter exposure, including increased hospital admissions, particularly for heart disease, but also for respiratory illnesses, and even premature death. Additionally, exposure to DPM may contribute to the onset of new allergies. DPM also affects the environment by reducing visibility and contributing to global warming (CARB 2024b).

Odor

Other air quality issues of concern in the NCCAB include nuisance from odors. Odors represent emissions of one or more pollutants that are a nuisance to healthy persons and may trigger asthma episodes in people with sensitive airways. Pollutants associated with objectionable odors include sulfur compounds and methane. Typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries. Odors are a complex problem that can be caused by minute quantities of substances. Because people have differing reactions to odors, the nuisance level of an odor varies. (MBUAPCD 2008).

Existing Air Quality

Ambient Air Quality

Ambient air quality is monitored at seven MBARD-operated monitoring stations located in Salinas, Hollister, Carmel Valley, Santa Cruz, Scotts Valley, Davenport, and Watsonville. In addition, the National Park Service operates a station at Pinnacles National Park and an industry consortium operates a station in King City. These stations measure concentrations of pollutants for which National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been set by the USEPA and the CARB, respectively.

The closest monitoring station to the proposed Project area is the Hollister-Fairview Road monitoring station, located approximately 3.4 miles south of the proposed Project area. The Hollister-Fairview Road station monitors O_3, PM_{10}, $PM_{2.5}$, Outdoor Temperature, Relative Humidity, Wind Direction-Scalar, and Wind Speed-Scalar (Table 1).

Table 1: Ambient Air Quality Data at the Hollister-Fairview Road Monitoring Station from 2021 to 2023.

Pollutant Standards[1]	Year		
	2021	2022	2023
O_3			
Maximum 1-hour concentration (ppm)	0.077	0.073	0.065
Maximum 8-hour concentration (ppm)	0.068	0.058	0.056
Number of days standard exceeded			
CAAQS 1-hour (>0.09 ppm)	0	0	0
NAAQS 8-hour (>0.07 ppm)	0	0	0
CAAQS 8-hour (>0.07 ppm)	0	0	0
PM_{10}			
National maximum 24-hour concentration (µg/m^3)	128.8	77.4	56.4
State maximum 24-hour concentration (µg/m^3)	130.0	75.3	56.8
National annual average concentration (µg/m^3)	19.4	18.2	12.6
State annual average concentration (µg/m^3)	19.3	18.5	12.3
Number of days standard exceeded			
NAAQS 24-hour (>150 µg/m^3)	0	0	0
CAAQS 24-hour (>50 µg/m^3)	5	4	2
$PM_{2.5}$			
National maximum 24-hour concentration (µg/m^3)	27.2	19.5	39.4
State maximum 24-hour concentration (µg/m^3)	27.2	19.5	39.4
National annual average concentration (µg/m^3)	5.6	5.0	4
State annual average concentration (µg/m^3)	5.6	5.0	4
Number of days standard exceeded			
NAAQS 24-hour (>35 µg/m^3)	0	0	

Source: CARB 2023

Notes: O_3 = ozone; PM_{10} = particles of 10 micrometers and smaller; $PM_{2.5}$ = particles of 2.5 micrometers and smaller; ppm = parts per million; µg/m^3 = micrograms per cubic meter; ppb = parts per billion; NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; * = insufficient data available to determine the value

1. Outdoor Temperature, Relative Humidity, Wind Direction-Scalar, and Wind Speed-Scalar.data are not available on CARB's website

Attainment Status

The Federal Clean Air Act (FCAA) requires the USEPA to designate areas within the country as either "attainment" or "nonattainment" for each criteria pollutant based on whether the NAAQS have been achieved. Similarly, the California Clean Air Act (CCAA) requires the CARB to designate areas within California as either "attainment" or "nonattainment" for each criteria pollutant based on whether the CAAQS have been achieved. If a pollutant concentration is lower than the NAAQS or CAAQS, the area is classified as "attainment" for that pollutant. If a pollutant exceeds the NAAQS or CAAQS, the area is classified as "nonattainment" for that pollutant. If there is not enough data available to determine whether the NAAQS or CAAQS is exceeded in an area, the area is designated as "unclassified". The designation of "unclassified/attainment" means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the NAAQS or CAAQS after a nonattainment designation are redesignated as "maintenance" areas and must have approved maintenance plans to ensure continued attainment of the standards. Table 2 presents the attainment status for each criteria air pollutant in San Benito County.

Table 2: Attainment Status for San Benito County

Pollutant	Federal Standard	California Standard
O_3	Unclassified/Attainment	Attainment
PM_{10}	Unclassified	Nonattainment
$PM_{2.5}$	Unclassified/Attainment	Attainment
CO	Unclassified/Attainment	Unclassified
NO_2	Unclassified/Attainment	Attainment
SO_2	Unclassified/Attainment	Attainment
Pb	Unclassified/Attainment	Attainment

Source: CARB 2024c

Notes: O_3 = ozone; PM_{10} = particles of 10 micrometers and smaller; $PM_{2.5}$ = particles of 2.5 micrometers and smaller; CO = carbon monoxide; NO_2 = nitrogen dioxide; SO_2 = sulfur dioxide; Pb = lead

As shown in Table 2, San Benito County is in nonattainment for the state standards for PM_{10}. The County is in attainment of, or unclassified for, all other state and all federal standards.

Energy

Pacific Gas & Electric Company (PG&E) provides electric and natural gas services in San Benito County, including the proposed Project area. In 2022, San Benito County consumed approximately 398.8 million kilowatt-hours of electricity and 15.1 million therms of natural gas (CEC 2022). There are no existing electric transmission lines near the proposed ASR well sites; the closest existing transmission line is one 60-kilovolt line approximately two miles away on McCloskey Road (CEC 2024).

Geology and Soils

The Hollister Valley, an alluvial plain bordered by the Gabilan Range to the south and west and by the Diablo Range to the east, is located in the Coast Range geomorphic province. The Coast Ranges are composed of thick Mesozoic and Cenozoic sedimentary strata (CGS 2002). The proposed Project area is underlain by Pleistocene-Holocene alluvium deposits and Pleistocene older alluvium deposits (DOC 2015a).

The City of Hollister is located in a seismically active area. Four fault zones traverse the county in the vicinity of the planning area: the San Andreas Fault, the Quien Sabe Fault, the Tres Pinos and the Calaveras Faults. The San Andreas Fault system, probably the largest in the United States, crosses San Benito County in a southeasterly direction along the Gabilan Range two and a half miles west of the City. The Hayward/Calaveras Fault runs south and north and bisects the City through downtown. The Quien Sabe Fault is three miles to the east of the Proposed Project area and trends southeast. All but the Tres Piños Fault are considered active faults (City of Hollister 2005).

Hazards associated with earthquake faults include ground rupture, ground shaking, and liquefaction. The Hollister area has been historically susceptible to all three earthquake hazards. Ground rupture is the primary hazard and is regarded as more likely to occur in the zone immediately around the fault, while ground shaking, or vibrations caused by an earthquake, is a secondary seismic hazard that can occur many miles from the fault. The more lightly compacted and/or water-saturated the soil conditions, the more capable the ground is of transmitting seismic waves. Consequently, the intensity of ground shaking or liquefaction is related more to soil conditions than to the distance from a given fault. Liquefaction is generated by the sudden rise of the water table through loose soils. That is, it generally occurs during prolonged periods of ground shaking to alluvial (flood plain), or granular soils, if the water table is within 30 feet of the surface. The Hollister area has alluvial soils and a perched water table, particularly within the flood plain around the San Benito River.

Soils in the proposed Project area all have similar characteristics, being primarily coarse sandy and gravelly soils, or sandy loams, that are well drained with low-to-moderate runoff potential, low-to-moderate shrink/swell potential, and variable rates of corrosion. Depth to weathered bedrock in San Benito clay loam is 40-60 inches. Soil types throughout the proposed Project area can be seen in Figure 2.

Figure 2: Soils Map

From the Upper Cretaceous geological period through the Miocene epoch, much of the Hollister area was covered by shallow, warm seas. Sediment washed from adjacent mountains accumulated in the valleys producing extensive terrestrial sediment deposits, within which paleontological remains are preserved. The first major paleontological discovery in the County occurred in 1937, when the most complete Plesiosaur skeleton ever found was excavated from the Moreno Formation in the Panoche Hills. Subsequently, both the Moreno and Temblor Formations have yielded fossils, and fossil sites have been found at many locations in the County (San Benito County 2015a).

Greenhouse Gas Emissions

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gas (GHG) emissions. GHG emissions are emitted by natural processes and human activities. Human-produced GHG emissions are created primarily by the burning of fossil fuels for energy. The human-produced GHG emissions most responsible for global warming and their relative contribution to it are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and chlorofluorocarbons (CFCs).

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent (CO2e). CO2 is considered the baseline GHG in this index and has a global warming potential of one. CH4 has a global warming potential of 21 times that of CO2, and N2O has a global warming potential of 310 times that of CO2. The families of CFCs, hydrofluorocarbons, and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of CO2. While CO2 represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

Hazards and Hazardous Materials

According to the Department of Toxic Substances Control (DTSC) EnviroStor Database (DTSC 2024), hazardous material database listings included records of two sites near the Proposed Project area:

- Royal Circuit Solutions, INC. (21 Hamilton Ct): This listing is a “tiered permit” located approximately 1.25 miles west of ASR 5. The site is currently inactive and in need of evaluation.
- Naval Auxiliary Air Station, Hollister (90 Skylane Drive, #101): This listing is “military evaluation” site type located approximately 2 miles west of ASR 1. The Hollister Naval Auxiliary Air Station (NAAS) is a 300-acre site located approximately 2 miles north of Hollister. In 1949, the War Assets Administration issued a quitclaim deed granting the 300-acre Hollister NAAS to the City of Hollister. The site subsequently has been used to store crop dusting equipment and is currently used as a local airport. In 1960, the city of Hollister removed and disposed of nine USTs (heating oil storage). Three USTs (fuel) were drained, filled with water, and abandoned in place. Two USTs were located by the Hollister Fire Department and were removed and replaced with triple-wall tanks. A third tank and related pipelines and a pump island were also removed by the City of Hollister.

There are no schools located within one-quarter mile of the proposed Project area. The nearest school is Hollister SDA Christian School, which is located approximately 2.8 miles from ASR 5.

The nearest airport is the Hollister Municipal Airport, located adjacent to a portion of the proposed water transmission pipeline to the northwest of the intersection of San Felipe Road and Fallon Road. Portions of the proposed Project are located within ALUC Review Area 1, which encompasses locations where all four factors (noise, safety, airspace protections, and overflight) represent compatibility concerns (San Benito County ALUC 2012).

The California Department of Forestry and Fire Protection (CAL FIRE) has prepared fire hazard severity zone maps indicating the potential severity of wildfires in an area. Maps have been prepared for State Responsibility Areas, where CAL FIRE has responsibility for fire protection, and Local Responsibility Areas (LRAs), where fire protection is the responsibility of local fire districts and departments. CAL FIRE has determined that San Benito County has no Very High Fire Hazard Severity Zones in its LRAs (CAL FIRE 2008). The proposed Project area is within an LRA.

Hydrology and Water Quality

Hydrology and Drainage

The proposed Project is located within the Pajaro River watershed. The Pajaro River watershed ranges in elevation from sea level to approximately 4,900 feet amsl. The mouth of the Pajaro River is near Watsonville, where it empties into Monterey Bay just north of Elkhorn Slough. The San Benito River joins the Pajaro River approximately 2.5 miles north of Anzar Junction near Highway 101 and comprises over half of the Pajaro River watershed area.

The San Benito River and Santa Ana Creek are the two main streams that pass through the proposed Project area. The San Benito River flows from southeast to northwest in the southern portion of the proposed Project area and has a drainage area of approximately 661 miles. Santa Ana Creek, an intermittent creek, flows southeast to northwest across the northern portion of the proposed Project area and eventually flows into Tequisquita Slough before joining Pacheco Creek above San Felipe Lake, approximately seven miles north of the Hollister Municipal Airport (City of Hollister, 2005).

Hernandez Reservoir and Paicines Reservoir, located 45 miles and 10 miles southeast of the proposed Project area, respectively, serve as the primary sources of local surface water supply in the area. Hernandez Reservoir is designed and operated to supplement the groundwater supply in northern San Benito County. Paicines Reservoir receives water from the San Benito River via a combination of natural runoff and releases form Hernandez Reservoir. Water is released for percolation to Tres Pinos Creek and the San Benito River to provide additional groundwater recharge during the dry season (HDR, 2008).

The proposed Project area is mostly developed, being located within the WHWTP and the rights-of-way of San Felipe and Fallon Road. When adequate rainfall occurs, runoff drains to existing stormwater infrastructure, or percolates directly into the ground if located in the agricultural areas near Fallon Road.

Groundwater

The proposed Project is located within the Gilroy-Hollister Valley Groundwater Basin. The basin underlies the broad valley, which is bounded by the Diablo Range on the east, the Gabilan Range

and the Santa Cruz Mountains to the west, and the San Andreas Rift Zone to the southwest. Groundwater levels in the basin showed significant declines from the early 1900s to the early 1970's. However, groundwater levels have risen over 100 feet in the past 35 years due to delivery of imported surface water and the construction of the Hernandez Reservoir. The City of Hollister utilizes groundwater wells for municipal and industrial water supply (HDR 2008).

Flood Hazard

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program to provide subsidized flood insurance for those communities that comply with FEMA regulations. FEMA has mapped the 100-year flood zone (also known as a 1 percent annual chance flood) for Santa Ana Creek near the ASR wells. Portions of the proposed Project, including the water transmission pipeline Near Fallon Road and some ASR wells, are located in Flood Zone AO or AE. ASR well sites 1,2, 4, and 5 will be located on raised pads in order to keep the wellhead, electrical equipment, and appurtenant equipment at least 1' above the FEMA-designated 100-year flood water surface elevation.

Water Quality

The watersheds described previously are broadly impacted by pollutants originating from non-point sources such as regional agricultural activities, grazing practices, urbanization and hydromodification, as well as from certain point sources such as mining, agricultural and wastewater treatment operations. Common pollutants include excess sediment, nutrients, and fecal coliform.

Generally, groundwater within the Gilroy-Hollister Valley Groundwater Basin is marginally acceptable for potable and irrigation use but has a high mineral content that occasionally exceeds drinking water standards. Total dissolved solids (TDS) concentrations range from below 500 mg/L to over 1,500 mg/L, which greatly exceeds the California recommended secondary drinking water standard of 500 mg/L TDS (SBCWD, 2011; HDR, 2008). Most of the minerals in the local groundwater derive from dissolution of aquifer materials, but some portion is due to human activities such as agriculture and the disposal of treated wastewater (SBCWD, 2011).

Land Use and Planning

The City of Hollister is in northern San Benito County. It has jurisdiction over land within its city limits. San Benito County has land use regulatory authority over all unincorporated land in the county, excluding land owned/managed by either the State or Federal governments (e.g., State Parks, National Parks, Bureau of Land Management areas) and tribal lands) (San Benito County 2015a).

Mineral Resources

Portions of the Hollister Planning Area include areas mapped as significant sources of construction aggregate deposits (sand, gravel and crushed rock) by the State Mining and Geology Board under the Surface Mining and Reclamation Act (SMARA) (City of Hollister 2005). The purpose of the mapping program under SMARA is to ensure the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. The State Department of Conservation, Office of Mine Reclamation has specified Plant 25 91-35-0004 as an active open pit. Plant 25 91-35-0004 is located approximately 3.8 miles away from the proposed Project area, and its primary products are sand and gravel (DOC 2016).

Noise

Existing Noise Environment

Noise sources that affect the baseline noise levels throughout San Benito County include traffic on State highways and local roads, aircraft operations, commercial and industrial uses, agricultural operations, active recreation areas, and mining operations (San Benito County 2015a). Existing sources of noise in the proposed Project area include vehicular traffic on surrounding streets, residential uses and agricultural operations. Existing ambient noise levels in the proposed Project area are expected to be relatively low due to its rural location. However, the Hollister Municipal Airport is located adjacent to a portion of the proposed water transmission pipeline to the northwest of the intersection of San Felipe Road and Fallon Road. According to the Hollister Municipal ALUCP, portions of the proposed Project are located within the 55-60 dB CNEL and 60-65 dB CNEL Noise Impact Zones (San Benito County ALUC 2015).

Noise Sensitive Receptors

Certain land uses are considered more sensitive to noise than others. Examples of these types of land uses include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. As noted in Section 3.3, Air Quality, there are residences in the vicinity of the Project area.

Population and Housing

The proposed Project area is in San Benito County, in the City of Hollister. San Benito County has a total population of 64,753 and the City of Hollister has a total population of 42,093 (U.S. Census ACS 2022). The Proposed Project area falls within San Benito County's Census Tract 7.02 Block Group 2. This census tract has a total population of 6,199 (U.S. Census ACS 2022).

San Benito County has a total of 20,365 housing units, with 19,484 units occupied (U.S. Census ACS 2020). The City of Hollister has a total of 12,182 housing units, with 11,904 units occupied. Census Tract 7.02 BG 2 has a total of 471 housing units, 422 of which are occupied. (U.S. Census ACS 2020).

Public Services

Fire protection services for the City of Hollister are provided by three Fire Departments. The Hollister City Fire Department is responsible for areas within the City limits, while the San Benito County Fire Department provides protection for unincorporated County land and CAL FIRE serves the unincorporated wildland areas. Under a mutual aid agreement; the City Fire Department provides initial response to areas within the County, and the County Fire department provides initial response to areas within the City (City of Hollister). CAL FIRE has determined that San Benito County has no Very High Fire Hazard Severity Zones in LRA. Therefore, San Benito County does not have a map of recommended VHFHSZ in LRA (CAL FIRE 2008).Law enforcement for the project site is the responsibility of the Hollister Police Department within City limits, and the San Benito County Sheriff's Department in unincorporated areas (City of Hollister 2005).

The Hollister School District operates the public elementary and middle schools in the project area, while the San Benito High School District operates schools for grades 9 through 12. The Hollister School District serves a student population of about 5,670 students with a TK-5 school, five elementary schools (TK-8), two middle schools (6-8), a Dual Language Immersion Academy (K–6,

Spanish/English), and an Accelerated Achievement Academy (5–8) (Hollister School District n.d.). The San Benito High School District (SBHSD) serves nearly 3,000 students in Hollister, California, 40 miles south of the Silicon Valley. The only high school in the district is Hollister High School (San Benito High School District 2024). There are no schools located near the proposed Project area.

Approximately 16 parks are located within the City of Hollister, none of which are near the Proposed Project area (City of Hollister 2024). Refer to Section 3.19, Recreation, for more information.

Recreation

Approximately 16 parks are located within the City of Hollister, none of which are near the Proposed Project area (City of Hollister 2024). The Park Facility Master Plan for the City of Hollister requires an average of 4 acres of parks and recreational facilities for every 1,000 citizens. The Master Plan indicates that currently the city provides approximately 4.1 acres of parkland for every 1,000 people. This is over the required acreage and considered consistent with the City's policy. However, bicycle and pedestrian trail are limited. San Benito County has adopted a bikeway plan, which would provide a connection between the existing parks and other pedestrian oriented centers (City of Hollister 2018).

Transportation

The City of Hollister and San Benito County together maintain approximately 900 centerline miles of major streets and highways, 11.7 miles of heavy rail track, two airports, and a few bicycle facilities within the City of Hollister. The majority of the roadways within the City of Hollister are two-lane roadways, with a few three-lane and four-lane segments.

Tribal Cultural Resources

The proposed Project area falls within the traditional territory of the Ohlone (Costanoan). According to linguistic reconstruction, the Costanoan language belongs to the Penutian Stock along with Miwokan (Moratto 1984). Eshleman and Glenn (2007), argue for a genetic relationship between speakers of the Penutian Stock, which includes the Ohlone and many neighboring peoples.

The Utian (Costanoan and Miwokan) language family is argued to have emerged around 5,000 to 4,000 Cal B.P., corresponding with the archaeological Windmiller Pattern of the Delta and Central Valley (Eshleman and Glenn 2007). Bennyhoff and Fredrickson (1994) provide a synthesis of this archaeological pattern based on a traits-list approach. Technological components include grinding and plant processing tools, evidence for darts and atlatls, an evolved polished stone tool industry with an expedient bone tool industry and stemmed points with little to no obsidian raw material utilization. The subsistence patterns are assumed to be more hunting reliant, and trade is argued to have centered on ceremonial and ornamental material culture. Mortuary practices are substantiated by burials within villages/settlements as well as specialized large grave complexes. Burials are often oriented to the west.

The Windmiller Pattern is followed by the Berkeley Pattern, which coincides with the final phase of the Windmiller Pattern. The Berkeley Pattern appears to emerge around 1,000 Cal B.P. with an initial occurrence within the East San Francisco Bay and Delta regions (Moratto 1984). Jones and Klar (2007) note that the Berkeley Pattern is commonly interpreted as representing the linguistic and cultural divergence of the Costanoan and Miwokan peoples. Within the central coast region, the

archaeological occurrence of rectangular shell beads, abalone pendants and serrated arrow armatures may be representative of Costanoan ancestors (Jones et al. 2007).

Members of the Amah Mutsun Tribal Band are the descendants of the Native American community that resided within the Project area and surrounding landscape. The Amah Mutsun Tribal Band webpage (Amah Mutsun Tribal Band 2024) offers the community's description of their ancestry, history, and struggle to maintain a cultural identity through European contact. According to their webpage, the Amah Mutsun ancestors are "collectively referred to by many as 'Ohlone'… the indigenous peoples of south-San Francisco and north-Monterey Bay area." They describe how they were held in Mission San Juan Bautista and Mission Santa Cruz by the Spanish, which disrupted their cultural practices and traditions. They describe themselves today as a people who "stand united" in celebration of their heritage and sovereignty.

Pursuant to PRC § 21080.3.1 and in support of AB 52, consultation efforts with Native American tribal contacts have been incorporated in the cultural resource investigation of the Project area, as "California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources" (PRC § 21080.3.1[a]). Pursuant to PRC § 21080.3.1(b), lead agencies are required to send notifications of proposed projects to California Native American tribes that have requested in writing to be informed of proposed projects for consultation. Accordingly, the Native American Heritage Commission (NAHC) was contacted on March 9, 2023, to request a list of California Native American tribes and organizations that may have an interest in the Proposed Project pursuant to PRC 21080.3.1(c), as well as to request a search of the Sacred Lands File (SLF). The NAHC responded on March 17, 2023, providing a list of tribes that have cultural and traditional affiliation to the proposed project area. The NAHC response letter stated that the SLF search result was positive and recommended to contact the Amah Mutsun Tribal Band regarding the positive result

Contact information for the following Native American tribes and tribal representatives were provided with the NAHC letter dated March 17, 2023:

- Chairperson Valentin Lopez, Amah Mutsun Tribal Band
- Chairperson Irene Zwierlein, Amah Mutsun Tribal Band of Mission San Juan Bautista
- Most Likely Descendant (MLD) Kanyon Sayers-Roods, Indian Canyon Mutsun Band of Costanoan
- Chairperson Ann Marie Sayers, Indian Canyon Mutsun Band of Costanoan
- Chairperson Kenneth Woodrow, Wuksache Indian Tribe/Eshom Valley Band

On August 21, 2024, SBCWD mailed letters to the above listed tribal representatives to initiate the AB 52 consultation process. On September 10, 2024, the letter sent by SBCWD to Kanyon Sayers-Roods was returned with a note stating that Ms. Sayers-Roods was no longer located at the address provided in the NAHC consultation list. No additional contact information for Ms. Sayers-Roods was provided. To date, SBCWD has received no further responses and, as such, no TCRs have been identified. Should additional information be forthcoming from the Native American community, SBCWD will continue to conduct outreach as needed.

Utilities and Service Systems

The City of Hollister and Sunnyslope County Water District (SCWD) provide water supply to their individual service areas. In general, the City water service area includes the west side of Hollister,

north Hollister, and a portion of the Cienega Valley. The SCWD provides water to portions of the City of Hollister and adjacent unincorporated portions of the County generally east and southeast of Hollister. SCWD has the responsibility and authority to manage groundwater in San Benito County, which includes managing groundwater and surface water supplies. In addition, the District holds the contract for water through the CVP and is the imported water wholesaler from the CVP to Zone 6.

Five wastewater treatment plants treat the domestic, commercial, and industrial wastewater flows generated within the City of Hollister. Cielo Vista Estates is a residential development within Sunnyslope's service area and includes approximately 75 single-family homes located at the intersection of Airline Highway and Fairview Road. The County operates the Cielo Vista Estates Wastewater Treatment Plant. Hollister owns and operates two wastewater treatment plants (WWTPs); the domestic wastewater treatment plant/water reclamation facility (DWWTP/WRF) and the industrial wastewater treatment plant (IWWTP). The WRF treats the City's domestic wastewater, consisting predominantly of residential, commercial, and industrial customers. The IWTP treats seasonal industrial wastewater from a single cannery and storm water. The Sunnyslope County Water District operates the domestic wastewater treatment plant serving the Ridgemark Estates community, consisting of two wastewater treatment plants that serve residential needs and a few commercial businesses located near the Ridgemark Golf Course (SBCWD et al. 2015).

Solid waste disposal within the Hollister Planning Area is currently provided under contract via the Hollister Disposal Company. Solid waste is disposed of at the John Smith landfill that is the only permitted landfill (a Class III non-hazardous solid waste disposal facility) serving the Hollister area. The landfill is located on John Smith Road, east of Fairview Road. The landfill is owned by the County of San Benito and is operated by Hollister Disposal Company, under contract with the County. Currently, only 28 acres of the 57-acre landfill are being utilized, which provides sufficient capacity to dispose of waste at a level of 250 tons per day for an estimated 15 to 18 years. The landfill currently handles an average of approximately 75 tons per day. The Hollister Disposal Company is currently updating its permit to allow full utilization of all 57 acres of the landfill site. Although it is uncertain how technology will alter current packaging and disposal methods and affect long-term success of recycling efforts, it is estimated that the full utilization of the full site would provide a life span of between 40 and 45 years, based upon projected population growth in the service area. (City of Hollister 2005).

Wildfire

Wildland fire hazards in San Benito County create the potential for injury, loss of life, and property damage. The majority of the county is within areas that have a high to very high fire potential, which includes the central and southern portion of the county. The areas north of Pinnacles National Park and along the western boundary with Monterey County area also within very high fire hazard areas (San Benito County 2015b).

As noted in Section 3.12, Hazards and Hazardous Materials, CAL FIRE has determined that San Benito County has no Very High Fire Hazard Severity Zones within an LRA. Therefore, San Benito County does not have a map of recommended VHFHSZ in LRA (CAL FIRE 2008).

Environmental Justice

USEPA defines environmental justice as: "The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment

means no group of people, including racial, ethnic, or economic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, local, and tribal programs and policies."

According to U.S. Census data, San Benito County has a population of approximately 68,000. The median household income for San Benito County residents is approximately $96,000 per year. The county has a poverty rate of approximately 9.4%. The two major ethnic groups within the City include Hispanic or Latino (69%) and White (36%).

According to US Census data, the City of Hollister has a population of approximately 45,000. The median household income for Hollister residents is approximately $105,000 per year. The City has a poverty rate of approximately 7.2%. The two major ethnic groups within the county include Hispanic or Latino (61%) and White (31%).

According to USEPA guidelines, a minority population is present in the proposed Project/Action area if the minority population of the affected area exceeds 50 percent, or if the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. Under the same guidelines, a low-income population exists if the Project area is composed of 50 percent or more people living below the poverty threshold, as defined by the U.S. Census Bureau, or if the percentage of people living below the poverty threshold in the proposed Project/Action area is substantially greater than the poverty percentage of the general population or other appropriate unit of geographic analysis.

CEQA does not explicitly require a discussion of project impacts related to environmental justice, as CEQA addresses only impacts on the physical environment. However, the State of California has recently taken greater interest in environmental justice issues and has raised environmental justice concerns in comments on CEQA documents. In addition, it is acknowledged that the environmental impacts of some projects may disproportionately affect environmental justice communities.

Indian Trust Assets

Indian trust assets (ITAs) are legal interests in assets that are held in trust by the U.S. Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, EO, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" are defined as a property interest for which there is a legal remedy, such as compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. Indian trust assets cannot be sold, leased or otherwise alienated without United States' approval. Trust assets may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, Indian trust assets may be located off trust land.

Reclamation shares Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain Indian Trust assets reserved by or granted to Indian tribes, or Indian individuals by treaty, statute, or Executive Order.

Appendix D. Regulatory Setting

Appendix D. Regulatory Settings

This appendix contains the Regulatory Settings for each resource category, when applicable, discussed in the IS/EA. This information was moved to an appendix in order to meet NEPA page limit guidelines. Please refer to the IS/EA for the Environmental checklist and significance determinations. See additional detailed analysis in Appendix A (Biological Resources) and Appendix B (Cultural Resources).

Aesthetics

San Benito County General Plan

The Open Space and Conservation Element primarily describes policies, objectives, and action statements related to urban and rural growth, and agricultural and mineral resources issues. The General Plan also contains a Scenic Roads and Highways Element that identifies criteria selection and policies for the preservation of scenic routes. The Scenic Roads and Highways Element, approved in 1980, does not identify any of the roads near the Hollister area as a designated scenic route (San Benito County, 1980).

Agriculture and Forestry Resources

The Farmland Mapping and Monitoring Program

The FMMP Guidance document defines the four Important Farmland designation as follows (California Department of Conservation (DOC) 2024a):

- **PRIME FARMLAND (P)**: Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- **FARMLAND OF STATEWIDE IMPORTANCE (S)**: Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- **UNIQUE FARMLAND (U)**: Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- **FARMLAND OF LOCAL IMPORTANCE (L)**: Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

The Williamson Act

The California Land Conservation Act of 1965 (commonly known as the Williamson Act) established a voluntary tax incentive program for preserving agricultural and open space lands. A property owner enters into a 10-year contract with the local government (County), which places restrictions on the land in exchange for tax savings and are renewed automatically each year unless they are canceled or a Notice of Non-Renewal is filed with the County (DOC 2024b).

ASR sites 1-5 are located on lands classified as Farmland of Statewide Importance by the DOC's Farmland Mapping and Monitoring Program (DOC 2022). ASR site 5 is located on land that is enrolled in the Williamson Act Contract as Prime Agriculture Land (DOC 2022b).

San Benito County General Plan

The Land Use Element of the 1992 San Benito County General Plan identifies goals, objectives and policies intended to guide growth and development within the County.

- Goal 1: To maintain the County's rural atmosphere.
    - Objective A: To protect prime agricultural areas in order to preserve them for the present and future agricultural production vital to the County.
    - Objective D: To utilize agricultural and open space lands to help define urban and rural residential areas.
- Agriculture Policy 2: The type of uses allowed within the agriculturally designated areas shall be related to the suitability of the soil resources, climate and water supply. The types of uses allowed on most agriculturally designated areas within the County include agriculture, agricultural processing, grazing, land in its natural state, wildlife refuges, and low intensity recreational facilities, mineral extractions and processing, and also institutional uses and uses, that by their nature, should be located in undeveloped areas.
- Agriculture Policy 3: Grade 1 soils as defined in the Soils Survey of San Benito County shall be the highest priority for protection of soil resources.

Air Quality

Air Quality Management Plan

MBARD's most recently adopted plan is the 2012-2015 Air Quality Management Plan (MBARD 2017). The CCAA (Health & Safety Code §40910 et seq.) required initial preparation of an Air Quality Management Plan (AQMP) in 1991, with subsequent updates every three years. This report is an update to elements included in the 2012 AQMP based on a review of the time period 2012-2015. The primary elements from the 2012 AQMP updated in this revision include the air quality trends analysis, emission inventory, and mobile source programs.

CEQA Air Quality Guidelines

MBARD adopted their *CEQA Air Quality Guidelines* (Guidelines) in February 2008 (MBUAPCD 2008). The purpose of MBARD's Guidelines is to assist in the review and evaluation of air quality impacts from projects which are subject to CEQA. Its guidance applies to the North Central Coast Air Basin (NCCAB), which is comprised of Monterey, Santa Cruz, and San Benito Counties.

The Guidelines include recommended thresholds of significance for air quality and climate impacts. The thresholds of significance for air quality impacts have remained unchanged from those adopted by MBARD in 2008. Table 1 summarizes MBARD's air quality thresholds of significance.

Table 1: Air Quality Thresholds of Significance

	Construction	Operational
Criteria Air Pollutants and Precursors		
Pollutant	**Average Daily Emissions (lb/day)**	**Average Daily Emissions (lb/day)**
ROG	-	137
NO_X	-	137
PM_{10}	82	82
$PM_{2.5}$	-	-
CO	-	550
Emissions of a carcinogenic TAC	Same as operational thresholds	Increased Cancer Risk >1 incident per 100,000

Source: MBUAPCD 2008

Notes: ROG = reactive organic gases; NO_X = nitrogen oxides; PM_{10} = particles of 10 micrometers and smaller; $PM_{2.5}$ = particles of 2.5 micrometers and smaller; CO = carbon monoxide; lb = pounds

If a project's emissions of construction and/or operational criteria air pollutants or precursors would exceed any applicable threshold of significance listed in Table 1, the proposed action would result in a cumulatively significant impact.

City of Hollister General Plan

A portion of the treated water pipeline component of the proposed project would be developed within the jurisdiction of the City of Hollister. The City of Hollister General Plan Natural Resources and Conservation Element (City of Hollister, 2005) includes the following goals and policies applicable to construction of the treated water pipeline within Hollister:

- Goal NRC 2: Provide for Clean Air.
    - Policy NRC 2.1: State and Federal Standards for Air Quality. Continue to comply and strive to exceed state and federal standards for air quality. Review all development proposals for consistency with the current AQMP of the MBUAPCD.

Geology and Soils

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. In accordance with this act, the State Geologist established regulatory zones, called "earthquake fault zones," (EFZs) around the surface traces of active faults and has published maps showing these zones. EFZs are designated by the CGS and are delineated along traces of faults where mapping demonstrates surface fault rupture has occurred

within the past 11,000 years. Construction within these zones cannot be permitted until a geologic investigation has been conducted to prove that a building planned for human occupancy will not be constructed across an active fault. These types of site evaluations address the precise location and recency of rupture along traces of the faults and are typically based on observations made in trenches excavated across fault traces.

California Building Code

The California Building Code (CBC) has been codified in the CCR as Title 24, Part 2. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. The 2010 CBC contains California amendments based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-05. ASCE 7-05 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads (such as wind loads) for inclusion into building codes. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

Greenhouse Gas Emissions

Several state statutes have been enacted to reduce GHG emissions. AB 32, enacted in 2006, mandated statewide GHG emission reductions to 1990 levels by 2020. SB 32, enacted in 2016, extended this mandate, requiring GHG emission reductions to 40% below 1990 levels by 2030. AB 1279, enacted in 2022, codified an executive order setting a goal of the state achieving carbon neutrality (i.e., net zero GHG emissions) by 2045. In accordance with both AB 32 and SB 32, the CARB has prepared Scoping Plans that set forth how the state would achieve the GHG reduction goals set by these statutes. The most recent Scoping Plan was adopted in 2022.

A Priority Climate Action Plan (PCAP) was developed for the San Jose–Sunnyvale– Santa Clara, CA metropolitan statistical area (MSA), which is comprised of San Benito and Santa Clara Counties, using a Planning Grant from the Climate Pollution Reduction Grants (CPRG) program received by the County of Santa Clara. Because the geographic area of the MSA includes both counties, it is referred to as the San Benito County and Santa Clara County MSA. To develop the PCAP the Counties of San Benito and Santa Clara worked collaboratively with each other and brought in additional partners including the Council of San Benito County Governments (SBCOG), the Association of Monterey Bay Area Governments (AMBAG), and other jurisdictions in the counties.

The Counties of San Benito and Santa Clara developed a 2017 MSA-wide inventory of major sources of GHG emissions within each county to support the development of the PCAP and associated priority mitigation measures. The GHG emissions inventory was developed to quantify communitywide GHG emissions within the MSA. This inventory covers the entirety of San Benito and Santa Clara counties including the unincorporated areas and incorporated cities. The PCAP inventory focuses on the three GHGs most relevant to local jurisdictions: carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). The other gases (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluorides) make up a smaller percentage of emissions (5.6% statewide) and are emitted primarily through the manufacturing of semiconductors, electricity transmission, refrigeration,

and aerosols. Due to their small overall contribution and general lack of data associated with their use within the MSA, they have been excluded. Total GHG emissions generated by the MSA in 2017 were 11,228,575 metric tons carbon dioxide equivalent (CO2e). These emissions were not separated out by county (County of San Benito and County of Santa Clara 2024).

San Benito County, in coordination with Santa Clara County, is preparing a Comprehensive Climate Action that is based on the PCAP. The City of Hollister, as part of its current General Plan update, is preparing a Climate Action Plan. Both plans would set forth a strategy by which the jurisdiction would achieve GHG emission reductions consistent with state reduction targets.

The MBUAPCD (now MBARD) has issued CEQA Air Quality Guidelines, last updated in 2008, to inform public agencies, consultants, project proponents and the general public of adopted thresholds of significance to be used in CEQA analysis, among other subjects. For GHG emissions, the CEQA Air Quality Guidelines have not established any thresholds of significance. For the purposes of this analysis, this document shall use the quantitative threshold established by the Sacramento Metropolitan Air Quality Management District, which is 1,100 metric tons CO2e for both construction and operational emissions. CEQA Guidelines Section 15064.7(c) allows a CEQA lead agency to consider thresholds of significance previously adopted by other agencies.

Hazards and Hazardous Materials

Federal Regulations

Code of Federal Regulations

The Emergency Planning and Community Right-to-Know Act (EPCRA) planning requirements, a list of Extremely Hazardous Substances, threshold planning quantities, and emergency response planning requirements, are codified in 40 CFR Part 355. The Chemical Accident Prevention Provisions (40 CFR Part 68) identifies regulated substances, threshold quantities (TQs), and requirements for preventing accidental releases of these substances. A Risk Management Plan is required for any processes involving regulated substances in excess of their respective TQ.

The generation, transportation, treatment, storage and disposal of hazardous waste through a comprehensive management system is governed under 40 CFR Parts 260–272. These regulations also list the characteristics of hazardous wastes, including ignitability, corrosivity, reactivity and toxicity. Subtitle D of these parts grants authority for regulating nonhazardous waste to the state.

Comprehensive Environmental Response, Compensation, and Liability Act

Hazardous substances are governed in part by CERCLA (1980). CERCLA created a “superfund” and provides for the clean-up and remediation of closed and abandoned hazardous waste sites. Title 40 of the CFR Part 302 implements the CERCLA hazardous materials release requirements and identifies hazardous substances, reportable quantities (RQs), and notification requirements. The National Response Center must be notified of an accidental release of a hazardous substance in excess of an RQ. CERCLA-listed hazardous substances and RQs are listed in 40 CFR Part 302.4.

Superfund Amendments and Reauthorization Act

Title III of the Superfund Amendments and Reauthorization Act of 1986 establishes reporting requirements for businesses and facilities that store, handle, or produce significant quantities of

hazardous substances. The act also requires states to establish a system to inform federal, state, and local authorities of any such substances stored or handled by the regulated community.

State Regulations

California Code of Regulations

Title 8 of the CCR addresses the control of hazardous substances. Section 5189 of Title 8 sets forth the Process Safety Management (PSM) standard for processes involving a highly hazardous chemical in excess of certain quantities. PSM requires a process hazard analysis, current safety information, an employee participation program, written operating procedures, a mechanical integrity program, and other procedures.

Title 8 of the CCR also contains the California Occupational Safety and Health Administration regulations for worker safety, including the storage and handling of hazardous materials. It identifies protective equipment for workers who handle hazardous materials and establishes requirements for general facility safety.

California Government Code

Section 65962.5 of the California Government Code (CGC) requires that DTSC compile and update the Cortese List of hazardous waste facilities subject to corrective action and lands designated as hazardous waste properties or border zone properties.

Hazardous Materials Release Response and Inventory Program

The Hazardous Materials Release Response and Inventory Program (CHSC Sections 25500–25520) establishes business and area plans for the handling and release of hazardous materials. For individual projects, a Hazardous Material Business Plan (HMBP) is typically prepared to satisfy requirements. Basic information on the location, type, quantity, and the health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is tracked by the local Certified Unified Program Agency (CUPA) within each region for the use and awareness of hazardous materials responders, firefighters, emergency care providers, regulatory agencies and other interested persons. The CUPA for the Project area is the San Benito County Environmental Health Department.

The Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Water Code, §§ 13000-14958) regulates wastes that have the potential to cause loss of a beneficial use of California's waters. This act requires the RWQCB to establish reportable quantities of hazardous wastes and hazardous materials based on their potential to degrade the waters of the state. Any discharge of hazardous materials that is inconsistent with the discharge requirements of the facility must be reported to the appropriate authorities.

Resource Conservation and Recovery Act

The handling, storage, and disposal of both hazardous and non-hazardous wastes are addressed through the Resource Conservation and Recovery Act (42 USC 6901 et seq.) and its implementing regulations (40 CFR Part 260 et seq.).

Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (Proposition 65) was enacted as a ballot initiative in November 1986. The proposition was intended by its authors to protect California citizens and the state's drinking water sources from chemicals known to cause cancer, birth defects, or other reproductive harm, and to inform citizens about exposures to such chemicals. The act requires the Governor to publish, at least annually, a list of chemicals known to the state to cause cancer or reproductive toxicity.

Toxic Release Contingency Plan

The Toxic Release Contingency Plan (CGC Section 8574.16) requires that regional and local planning agencies incorporate within their planning the state's effort to respond to emergency toxic releases and ensure the effective and efficient use of regional and local resources in the areas of traffic and crowd control, firefighting, hazardous materials response and cleanup, radio and communications control, and provision of medical emergency services.

Local Laws and Regulations

San Benito County General Plan Section 9 - Health and Safety Element

San Benito County has implemented a Hazardous Waste Management Plan. The focus is to address the problem of hazardous materials and wastes, as well as the location, storage, transportation, and safety of these materials.

Hollister Municipal Airport Land Use Compatibility Plan

In 2012, the Council of San Benito County Governments adopted the Hollister Municipal Airport LUCP to promote compatibility between Hollister Municipal Airport and the land uses surrounding it to the extent that these areas have not already been devoted to incompatible uses. The plan establishes a set of compatibility criteria applicable to new development in the vicinity of the airport.

Hydrology and Water Quality

Federal Regulations

Clean Water Act

The federal Water Pollution Control Act (or Clean Water Act [CWA]) is the principal statute governing water quality. It establishes the basic structure for regulating discharges of pollutants into the waters of the United States and gives the US Environmental Protection Agency (USEPA)—or in the case of California, the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs)—authority to implement pollution control programs. The statute's goal is to restore, maintain, and preserve the integrity of the nation's waters. CWA regulates direct and indirect discharge of pollutants; sets water quality standards for all contaminants in surface waters; and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under its provisions. The CWA mandates permits for wastewater and stormwater discharges; requires states to establish site-specific water quality standards; and regulates other activities that affect water quality, such as dredging and the filling of wetlands. The CWA also funded the construction of sewage treatment plants and recognized the need for planning to address nonpoint sources of pollution. Section 402 of the CWA requires a permit for all point

source (a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel) discharges of any pollutant into waters of the United States.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States, including discharges from municipal separate storm sewer systems (MS4s). Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

National Pollutant Discharge Elimination System

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. FEMA also issues Flood Insurance Rate Maps (FIRMs) that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA. FEMA's minimum level of flood protection for new development is the 100-year flood event, also described as a flood that has a 1- in-100 chance of occurring in any given year.

State Regulations

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Water Code Sections 13000 et seq.) is the basic water quality control law for California. This act established the SWRCB and divided the state into nine regional basins, each under the jurisdiction of a RWQCB. The SWRCB is the primary state agency responsible for the protection of California's water quality and groundwater supplies. The RWQCBs carry out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a water quality control plan or basin plan that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water quality conditions and problems.

Sustainable Groundwater Management Act of 2014

A three-bill legislative package consisting of Assembly Bill (AB) 1739, Senate Bill (SB) 1168, and SB 1319, collectively known as the Sustainable Groundwater Management Act (SGMA) was signed into law on September 16, 2014. The Governor's signing message states "a central feature of these bills is the recognition that groundwater management in California is best accomplished locally." Under SGMA, in groundwater basins that are designated as medium and high priority, local public agencies and groundwater sustainability agencies must assess conditions in their local groundwater basins and then prepare groundwater sustainability plans.

Local Regulations

Central Coastal Basin Water Quality Control Plan (Basin Plan)

The City of Hollister is within the jurisdiction of the Central Coast RWQCB (Region 3). The Central Coast RWQCB addresses region-wide water quality issues through the creation and triennial update of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). The Basin Plan was adopted in 1975 and most recently amended in 2019. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters designated in the Basin Plan.10 The Central Valley RWQCB also administers the Phase II Small MS4 permit for San Benito County and the municipalities within the county, including the City of Hollister.

Hollister Municipal Code

The HMC includes various directives to minimize impacts to hydrology and water quality in Hollister:

- Chapter 13.16, Storm Drainage Fees. This chapter states that storm drainage fees are required to be paid by all landowners and are used for the construction and maintenance of the City's storm drain system. Storm drainage fees are required to be paid prior to the issuance of a building permit or the filing of a parcel map. The collected funds are part of the development impact fees and are used solely for the construction, reconstruction, and acquisition of land for the storm drainage system.
- Chapter 15.20, Flood Damage Prevention Regulations. This chapter describes the City's rules and requirements to minimize public and private losses due to flood conditions in specific areas.
- Chapter 15.24, Grading and Stormwater Best Management Practices Control. This chapter describes the City's rules and regulations to minimize land disturbance during construction, erosion and sediment control, and construction stormwater control plan (CSCP).
- Section 17.16.140, Stormwater Management. This section states that all new development and redevelopment is subject to the Small MS4 General Permit Order No. 2013-0001-DWQ and subsequent amendments. This section includes measures for drainage, stormwater quality, obtaining a grading permit for land disturbance, and compliance with BMPs per federal, state, regional, or City requirements.

Land Use and Planning

San Benito General Plan Section 3 — Land Use Element

Land use designations are policy statements the County has developed to guide decisions about the type and intensity of development envisioned on each unincorporated parcel during the life of the General Plan.

- **Agriculture (A):** The purpose of this designation is to maintain the productivity of agricultural land, especially prime farmland, in the county. This designation is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot.

Secondary dwellings are allowed for relative, caretaker/employee, and farm worker housing. These areas typically have transportation access, but little to no public infrastructure.

The Proposed Project is located within the "Agriculture" land use designation. ASR sites 1-5 are located on lands classified as Farmland of Statewide Importance (DOC 2022).

Noise

San Benito County General Plan Section 9 — Health and Safety Element

San Benito County has established policies and standards that aim to minimize the effects of noise on people through prescriptive construction standards, zoning restrictions, hours of operation, and suppression techniques. The applicable noise standards and policies are summarized below:

Table 2 summarizes the noise level standards for noise-sensitive uses (e.g., residential development, transient lodging, hospitals, nursing homes, schools, day care centers) affected by non-transportation noise sources in the County.

Table 2: Non-Transportation Noise Level Performance Standards for Noise-Sensitive Uses

Noise Level Descriptor	Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)
Hourly L_{eq} dB	55	45
Maximum Level, dB	70	65

Source: San Benito County 2015a

Notes: These standards apply to new or existing residential areas affected by new or existing non-transportation sources.

Table 3 presents the noise and land use compatibility standards for various land uses. In addition to these standards, the policies in this section address ways to reduce or eliminate existing and future conflicts between land uses and noise.

Table 3: Land Use Compatibility Guidelines for Community Noise Environments

Land Use Category	Community Noise Exposure Ldn/CNEL, dB								
	55		60	65		70	75		80
Residential – Low Density Single Family, Duplex, Mobile Homes	CA	CA	NA	NU	NU	CU	CU	CU	CU
Residential – Multi. Family	CA	CA	NA	NU	NU	CU	CU	CU	CU
Transient Lodging – Motels, Hotels	CA	CA	CA	NA	NU	NU	NU	CU	CU
Schools, Libraries, Churches, Hospitals, Nursing Homes	CA	CA	NA	NU	NU	NU	CU	CU	CU
Auditoriums, Concert Halls, Amphitheaters	NA	NA	NU	NU	CU	CU	CU	CU	CU
Sports Arenas, Outdoor Spectator Sports	CA	CA	NA	NU	NU	CU	CU	CU	CU
Playgrounds, Neighborhood Parks	CA	NA	NA	NU	NU	CU	CU	CU	CU

Land Use Category	Community Noise Exposure Ldn/CNEL, dB								
	55		60	65		70	75		80
Golf Course, Riding Stables, Water Recreation, Cemeteries	CA	CA	NA	NA	NU	NU	NU	CU	CU
Office Buildings, Business Commercial and Professional	CA	CA	CA	NA	NA	NU	NU	CU	CU
Industrial, Manufacturing Utilities, Agriculture	CA	CA	CA	CA	NA	NA	NA	NU	NU

Source: San Benito County 2015a

Notes:

CLEARLY ACCEPTABLE (CA): The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

NORMALLY ACCEPTABLE (NA): The noise exposure is great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.

NORMALLY UNACCEPTABLE (NU): The noise exposure is significantly more severe so that unusual and costly building construction is necessary to insure adequate performance of activities. (Residential areas: barriers must be created between the site and prominent noise sources to make the outdoor environment tolerable.)

CLEARLY UNACCEPTABLE (CU): The noise exposure is so severe that construction costs to make the indoor environment acceptable for performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

City of Hollister Code of Ordinances

The City of Hollister does not have land use compatibility standards for noise and instead uses the State of California's guidelines as a tool to gauge compatibility of land uses relative to existing and future noise levels. The City of Hollister Municipal Code includes various directives pertaining to noise and vibration (City of Hollister 2022).

- ***Chapter 8.28, Noise.*** This chapter is declared to be the policy of the city that the peace, health, comfort, safety and welfare of its citizens require protection from excessive, unnecessary or unusually loud noises and vibrations from any and all sources in the community. The following are generally prohibited:
    - It is unlawful at any time, for any person to knowingly make, continue or cause to be made or continued, any excessive, unnecessary or unusually loud noise.
    - The term "excessive, unnecessary or unusually loud noise" means a noise disturbance which occurs at any time of the day, not involving a barking dog, commercial construction or commercial landscaping noise, and, because of its volume level, duration or character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity residing in the area.
    - For any kind of noise (with the exception of a barking dog, commercial construction or commercial landscaping noise) outside the DMU Downtown Mixed Use Zoning District, regardless of the time of day in which it occurs, the standards which shall be considered in determining whether a violation exists, may include, but shall not be limited to, the following:
        - The volume or intensity of the noise;
        - Resident complaints, regardless if the complainant wishes to remain anonymous;

- The proximity of the noise to residential properties;
- The nature and zoning of the area within which the noise emanates;
- The time and/or day of the week the noise occurs;
- The duration of the noise;
- Whether the noise is recurrent, intermittent or constant;
- Whether the noise is produced by a commercial or noncommercial activity; and
- A noise level in residential districts exceeding 55 dBA during daylight hours, and 50 dBA after sunset, measured at the property line of the complaining party or inside an affected multiple-dwelling unit.

  - This section shall not apply to a noise violation involving a barking dog, commercial construction or landscaping noise. Please see Section 6.08.060 for noise disturbances caused by a dog and Section 17.16.100 for noise involving commercial construction and commercial landscaping noise.

- ***Chapter 17.16, Performance Standards, Section 100 - Noise.*** Commercial construction activities on and contiguous to residential properties shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday and shall be prohibited on Sundays and federally recognized holidays.

Transportation

Federal Policies and Regulations

Federal Highway Administration Manual on Uniform Traffic Control Devices

The Federal Highway Administration's (FHWA) MUTCD is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals. This document, which has been administered by FHWA since 1971, is updated periodically to accommodate the nation's evolving transportation needs and addresses new safety technologies, traffic control tools and traffic management techniques. The most current version of the MUTCD is dated 2023 and was published in the Federal Register (FR) on December 19, 2023 (FHWA 2023).

State Policies and Regulations

Caltrans Transportation Management Plan Guidelines

Caltrans Transportation Management Plan Guidelines (2015) outlines strategies and guidelines that are needed to minimize traffic congestion during road work activities that are planned along existing Caltrans facilities. The guidelines established in this document identify processes, roles, and responsibilities for all planned construction, maintenance, and permit activities. Incorporation of these strategies in project construction documents and implementation of the strategies are expected to help reduce congestion and manage traffic impacts near work areas.

Local Policies and Regulations

San Benito County General Plan

- The Transportation Element of the San Benito County General Plan (1992) provides guiding principles for maintaining and managing the County's transportation network. Policies pertaining to transportation that are relevant to the project include Policy 4: Level of Service Policy. A level of service of C shall be used for the accepted minimum standard of operation for intersections and roadways.

Tribal Cultural Resources

Indian Trust Assets

ITAs are legal interests in property held in trust by the U.S. for Native American tribes or individuals. Examples of potential ITAs are lands, minerals, fishing rights, and water rights. Management of ITAs is based on the following orders, agreements, and regulations:

- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments 65 FR 67249
- Memorandum on Government-to-Government Relations With Native American Tribal Governments (FR Volume 59, Number 85, signed April 29, 1994)
- Secretarial Order No. 3175 – Departmental Responsibilities for Indian Trust Resources
- Secretarial Order No. 3206 – American Indian Tribal Rights, Federal -Tribal Trust Responsibilities, and FESA
- Secretarial Order No. 3215 – Principles for the Discharge of the Secretary's Trust Responsibility
- Secretarial Order No. 3342 – Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources
- Secretarial Order No. 3335 – Reaffirmation of the Federal Trust Responsibility to Federally Recognized Tribes and Individual Indian Beneficiaries

Section 5.25, Indian Trust Assets, discusses potential Proposed Action impacts in more detail.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act of 1978 (AIRFA; 42 U.S.C. § 1996) protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Historic Sites Act of 1935

The Historic Sites Act of 1935 (54 U.S.C. 320101–320106, formerly 16 U.S.C. 461–467) declares"…that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance…," asserting historic preservation as a government duty under jurisdiction of the United States Secretary of the Interior.

National Historic Preservation Act

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. For purposes of the discussion regarding tribal cultural resources, it is important to underscore that historic properties include properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register criteria (36 C.F.R. § 800.16[l]).[1].

Traditional Cultural Properties and Traditional Cultural Landscapes

TCPs are properties associated with cultural practices or beliefs of a living community that are: (1) rooted in that community's history; and (2) important in maintaining the continuing cultural identity of a community. TCPs can refer to properties of importance to any community, including Indigenous communities.

National Register Bulletin 38 provides examples of TCPs – and TCLs – that fit the definition in the guidelines:

- A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world
- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents
- An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices
- A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice
- A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity

TCPs and TCLs are eligible for inclusion on the NRHP if they meet the criteria set forth in 36 C.F.R. § 60.4, National Register Criteria for Evaluation. The steps in the identification and evaluation of TCPs are the following (abbreviated from Parker and King 1998):

- Potential Traditional Cultural Properties must be identified through consultation with the affected community or Tribe
- The investigation must consider the beliefs and practices associated with a potential Traditional Cultural Properties from the perspective of the community or Tribe
- The potential Traditional Cultural Properties must be a property, that is, a tangible place on the landscape, rather than an intangible belief or practice
- The property must retain integrity of relationship with the beliefs and practices that give it meaning to the community or Tribe
- The property must retain integrity of condition, such that the elements of the property associated with the beliefs and practices that give it significance are present
- The property must meet one or more of the four criteria for eligibility on the National Register

Cultural resources routinely not considered for eligibility for inclusion in the NRHP are religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past 50 years. However, these resources, can be evaluated as eligible if they meet one or more of the NRHP eligibility criteria for evaluation, retain integrity, and meet special criteria requirements called criteria considerations. The most notable of the seven considerations (A through G) is Criteria Consideration G, which specifies that a property that has achieved significance within the last 50 years can qualify for the NRHP only if it is of exceptional importance. As noted by Parker and King (1998), "a significance ascribed to a property only in the past 50 years cannot be considered traditional." However, they also note: "The fact that a property may have gone unused for a lengthy period of time, with use beginning again only recently, does not make the property ineligible for the [National] Register" (Parker and King 1998).

If a property is determined to be a TCP, it becomes the responsibility of the lead agency to assess whether the proposed project would have an effect on the property, and should the effect be adverse, would it alter or destroy the elements that make the property significant and eligible. If a proposed project is determined to have an adverse effect, the lead agency is responsible for seeking measures that would mitigate the adverse effects to TCPs.

Tribal Cultural Resources

As defined at PRC § 21074, a Tribal Cultural Resource (TCR is a site, feature, place, cultural landscape, sacred place or object that is of cultural value to a California Native American tribe and is either: (1) on or eligible for the CRHR or a local historic register; or (2) the lead agency, at its discretion, chooses to treat the resource as a TCR. TCRs are similar to TCPs in terms of their characteristics, identification, and treatment, and may include a cultural landscape to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Additionally, as defined at PRC § 21074(c), a historical resource, a unique archaeological resource, or a non-unique archaeological resource may also be a TCR if it conforms to the criteria of a TCR in PRC § 21074(a). CEQA mandates that lead agencies determine whether a project will have a significant impact on TCRs that are eligible for listing on the CRHR (i.e., a historical resource), or are determined to be significant by the lead agency in order to appropriately mitigate any such impacts.

Under the CEQA Guidelines, even if a resource is not included on any local, state, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource (i.e., TCR) for the purposes of CEQA, if there is substantial evidence supporting such a determination (CEQA Guidelines § 15064.5[a]). A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR, as discussed in Section 3.5, Cultural Resources. In accordance with CEQA guidelines, cultural resources investigations are necessary to identify TCRs that may have significant impacts as a result of a project (14 CCR §15064.5). The following steps are routinely implemented in a cultural resources investigation for CEQA compliance:

- Identify cultural resources in the proposed project area
- Evaluate against the CRHR criteria of significance (listed below)
- Evaluate the impacts of the proposed project on all cultural/tribal resources
- Develop and implement measures to mitigate proposed project impacts on historical resources or resources deemed significant by the lead agency

As TCRs hold cultural value to a California Native American tribe, consultation with local Native American tribes is an integral component of each of the cultural resources investigation steps described above.

Assembly Bill 52 and Consultation

The lead agency for CEQA is responsible for consultation with Native American tribes regarding the potential for a project to impact TCRs, pursuant to Assembly Bill (AB) 52 and PRC §§ 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, 21084.3, and 5097.94(m). Assembly Bill 52 recognizes that "…tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated…" and that consultation will occur between a lead agency and Native American tribes for covered projects.

PRC §21080.3.1 (a) and Government Code §65352.4 define consultation as "the meaningful and timely process of seeking, discussing, and carefully considering the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance."

A proposed project may induce a significant impact to a historical resource, unique archaeological resource, or a TCR if it causes a substantial adverse change (i.e., physical demolition, destruction, relocation, or alteration) to the resource or immediate surroundings (14 CCR 15064.5[b]), thereby demolishing or significantly altering the physical characteristics that qualify it for listing on the CRHR or local registers (PRC §§ 5020.01[k] and 5024.1[g]). A project that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment (PRC § 21084.2). A lead agency shall establish measures to avoid impacts that would alter significant characteristics of a TCR, when feasible (PRC §21084.3).

As such, the County is committed to working together with tribes and consultation efforts with California Native American tribes are described below.

Native American Historical, Cultural, and Sacred Sites

Pursuant to PRC 5097.94, the NAHC has authority and duty to "identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands" and has the power and duty to make recommendations for acquisition by the state or other public agencies regarding Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans.

California Native American Graves Protection and Repatriation Act of 2001

The California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA) requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items to provide a process for the identification and repatriation of these items to the appropriate tribes.