

US EPA ARCHIVE DOCUMENT

FINDING OF NO SIGNIFICANT IMPACT

Pala Wastewater System Rehabilitation Project

The U. S. Environmental Protection Agency (EPA) is considering releasing \$1,200,000 in grant funding to the Pala Band of Mission Indians (Pala), to construct a wastewater system rehabilitation project in San Diego County, California. This project will correct serious sanitation and public health problems. Presently, 50 houses have failing or otherwise inadequate septic systems on the Pala Reservation. The proposed Pala project will include: construction of 9630 feet of 8" diameter sewer line adjacent to existing paved and unpaved roads to connect residents currently on septic systems with an existing wastewater treatment plant. The project will also include connections of the new sewer main to existing sewer mains, along with sewer laterals and connections for the 50 houses, and cleanup and abandonment of the existing septic tanks. A lift station with a short length of force main to cross Pala Creek was included in the environmental evaluation, but was later determined to be unnecessary.

EPA has completed the attached Environmental Assessment (EA), dated October 2007, to evaluate the environmental consequences of the proposed action, along with the no action alternative. Two other alternatives were considered and rejected, including repair of existing septic systems and treatment of household wastes in septic tanks and pumping effluent through small diameter pressure mains to the existing sewer system. As a result of the EA, as well as public discussion of the proposed project and alternatives, the EPA has determined the action will not have a significant impact on the quality of the human environment. The removal of the lift station from the project only has the effect of slightly decreasing the project scope and does not change the potential environmental impacts of the proposed project. An Environmental Impact Statement is not required.

The following supports the Finding of No Significant Impact (FNSI):

Living Resources

EPA completed a biological assessment, dated August 23, 2007, to assess the effects of the project on the listed species under the Endangered Species Act. The proposed project will impact a 1.77 acre area and construction will take place in or adjacent to existing roads. The project may affect the arroyo southwest toad, which is listed as threatened under the Endangered Species Act. Sixteen other listed or candidate species of plants and animals were considered in the assessment, but they were either not detected or there was no potential these species would occur on the project site. A review of biological impacts indicated that construction of the sewer system rehabilitation would not adversely affect the arroyo southwest toad. The U.S. Fish and Wildlife Service (Service) concurred with this determination through an informal consultation.

The mitigation measures to avoid and minimize potential impacts on the toad include the provisions of the Service's informal opinion regarding impacts to the arroyo toad, dated December 23, 2007. These mitigation measures include:

- 1) installation of silt fencing around all construction within or adjacent to potential arroyo toad habitat to prevent toads from entering the construction site,
- 2) after silt fencing is installed, six surveys for arroyo toads will be conducted by a qualified biologist, and if toads are present EPA will formally consult with the Service and delay initiation of construction in the area until the consultation is completed,
- 3) work will be prohibited at night during the toad breeding season (March 15-July1), and following significant rain events,
- 4) a qualified biologist will train employees and will monitor construction related activities once per week, and any violations of conservation measures will be reported to the Service within 24 hours, a final report will be provided to the Service within 60 days of project completion,
- 5) construction activities will be limited to the fenced project footprint, the project site will be kept clean of trash and other debris, pets will not be allowed, and equipment will be operated and serviced and any fill or debris appropriately handled to prevent impacts on waters of the U.S.,

Best management practices described below will be in place to assure there are no water quality impacts on the San Luis Rey River or tributary streams, both of which are prime habitat for the toad.

Cultural Resources

Cultural resource surveys were conducted on December 22, 2005, August 22, 2006 and September 6, 2006 to determine if the proposed project would impact potential National Register eligible historic properties. The context and intensity of potential impacts on cultural resources were considered, to determine whether the project would impact sites eligible for the National Register of Historic Places or traditional cultural properties and EPA consulted with both the State Historic Preservation Office (SHPO) and Pala's Cupa Cultural Center. The project area has been disturbed by the development of streets, pipelines and other infrastructure. No cultural resources were identified within the project's Area of Potential Effects (APE). However, a National Register eligible site was found adjacent to the APE along Sycamore Lane. This site is along the creek and well beyond the pipeline alignment.

Archaeological and local Native American cultural monitoring will be used for all excavations along Pala Mission Road, Sycamore and Cactus Road. All project personnel and contractors will be informed of cultural resource issues. If National Register eligible sites or human remains are discovered during the construction phase of the project, the Tribal and State cultural preservation staff will be consulted in accordance with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

Water Resources

Water resources would be improved and protected through the replacement of 50 failing septic systems with sewer lines and community wastewater treatment. Construction will involve removal of native vegetation, grading and earth moving activities, and best management practices will mitigate potential impacts. In addition an NPDES storm water discharge permit will be secured, since the project impacts over 1 acre. There will be an emphasis on protection of Pala Creek and the San Luis Rey River through the use of Best Management Practices (BMP's). A stormwater pollution prevention plan will be developed to mitigate impacts to these streams. Typical BMP's include the use of swales, detention basins, straw wattles, silt curtains, gravel bags, hydro-seeding and the preservation of vegetated buffers near stream channels.

Wetlands and creek beds are under the jurisdiction of the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Project impacts to Pala Creek, which is considered jurisdictional waters of the U.S, will be avoided by installing the sewer main on Sycamore Lane bridge, rather than excavating in the Creek.

Air Quality

Project impacts to air quality will be limited to construction activities and will consist of emissions from gas and diesel engines in construction trucks and equipment, as well as dust associated with trenching and earth moving activities. The project is exempt from the state implementation plan as the emissions are below de minimis limits. Due to the short duration of the project construction and limited amount of equipment needed, air quality impacts are considered less than significant.

The Tribe will implement standard dust control measures, such as watering of exposed dirt areas, 15 mph speed limits for construction vehicles on dirt roads, and cessation of construction activities if wind speeds exceed 25 mph.

Transportation

The proposed project would have minor, short term impacts on transportation, as the sewer mains would be installed within the shoulder of existing roads. A traffic safety plan will be prepared and implemented by the construction contractor to avoid adverse impacts to vehicular and pedestrian traffic.

Sound and Noise

Construction would take place within and adjacent to existing roadways and near existing houses. Construction noise would be noticeable to residents from 7:00 AM to 7:00 PM, Monday through Friday, although work in any one location would be limited to several days duration.

Public Review

The Environmental Assessment (EA) and this FNSI are available for public review at the web site: <http://www.epa.gov/region09/nepa/epa-generated.html> and at the offices of EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. EPA Region 9 (WTR-6), 75 Hawthorne Street, San Francisco, CA 94105-3901. To make an appointment to review the EA at this location contact Sara Jacobs, P.E. at (415) 972-3564 or via e-mail at Jacobs.Sara@epa.gov. Copies of the EA are also available for review at the Pala Band of Mission Indians, Pala Environmental Protection Agency, P.O. Box 50, Pala, CA, 92059-0050 by contacting Lenore Volturmo (760) 891-3515 or via e-mail at lvolturmo@palatribe.com for an appointment.

EPA must receive comments on the FNSI by **June 23, 2008** which provides a minimum of 30 calendar days from the date of publication of the Legal Notice of Decision. EPA will take no administrative action on the above-described project prior to expiration of this comment period. Comments should be mailed to:

Sara Jacobs
U. S. EPA Region 9
75 Hawthorne Street (WTR-6)
San Francisco, CA
94105-3901

or faxed to Ms. Jacobs at (415) 947-3549.

After EPA assesses any comments received, those comments, EPA's responses and this FNSI will be forwarded to the Regional Administrator for review and signature. If the Regional Administrator signs this FNSI, it will not be re-circulated for review, but will be available to any individual upon request.

Wayne Nastri
Regional Administrator

Date

