

US EPA ARCHIVE DOCUMENT



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

**Categorical Exclusion pursuant to 40 CFR § 6.204(a)(1)(ii)**  
**Shasta County Elk Trail Area Annexation and Water System Improvements**  
**July 2010**

The Environmental Protection Agency (EPA) Region 9 is proposing to provide funding to Shasta County, CA, in accordance with the Appropriations Act of FY2010 as described below:

**Project Name: Shasta County Elk Trail Area Annexation and Water System Improvements Project**  
**Estimated Total Project Cost: \$1,541,818**  
**EPA Grant Assistance Amount: \$848,000.**

EPA's award of a grant for the proposed project is a federal action requiring compliance with the National Environmental Policy Act (42 USC §§4321-4370f). A proposed action may be categorically excluded from detailed environmental review if the action fits within a category of action that is eligible for exclusion and the proposed action does not involve any extraordinary circumstances.

**Eligibility for Categorical Exclusion**

Shasta County plans to use EPA grant funds to provide treated surface water to 200 lots in the Elk Trail neighborhood in Shasta County, California.

The proposed project would allow treated surface water to be provided by the adjacent Jones Valley water system— County Service Area #6. The proposed project will include: new 160,000-gallon and 140,000-gallon water storage tanks; approximately 67,000 feet of water main, supervisory valves, fire hydrants, and appurtenances; expansion of the water treatment plant building; replacement of two existing raw water pumps and addition of a third raw water pump.

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

“Actions relating to existing infrastructure systems (such as sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property

as existing facilities. ...”

EPA Region 9 has determined the proposed project is eligible for a categorical exclusion under 40 CFR §6.204(a)(1)(ii), as the project involves the minor upgrade and minor expansion of existing system capacity and construction of new minor ancillary facilities adjacent to the existing facility.

#### **Extraordinary Circumstances**

EPA Region 9 has reviewed the proposed action to ascertain whether the proposed project involves any of the extraordinary circumstances identified at 40 CFR § 6.204(b)(1)-(10) and has made the following determinations.

(1) The proposed action is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.

(2) The proposed action is not known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.

(3) On October 14, 2009, U.S. Fish and Wildlife Service issued a letter which indicated that the proposed project is not likely to adversely affect any federally listed species. Mitigation measures have been incorporated to prevent the project’s potential to affect federally listed threatened or endangered species or their critical habitat:

Vegetation shall not be removed during the migratory bird nesting season. If vegetation removal must occur during this time, a nesting survey will be conducted in advance, with vegetation removal proceeding only if no active nests are present; construction activities will be restricted to the dry-season.

When working within 100-feet of the elderberry shrub, temporary construction fencing providing a buffer of 20 feet around the shrub will be installed.

Construction in water is limited to the replacement /addition of raw-water intake piping within the ordinary high water line of Shasta Lake. No impacts to federally listed salmon or steelhead are expected as a result of this work because: the construction area is located above Shasta Dam which acts as a barrier to fish passage; construction activities will be restricted to periods when Dry Creek and its tributaries are dry; and Best Management Practices such as proper timing of construction (i.e. dry-season), sediment, and erosion controls (i.e. silt, fences, straw wattles), proper storage locations for construction equipment and vehicles, site stabilization and seeding will be implemented.

(4) California State Historic Preservation Office issued a letter which indicated that no historic properties would be affected by the proposed project on November 16, 2009. The proposed action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic

Places. EPA Region 9 has determined that no historical properties will be adversely affected under 36 CFR Part 800 for this project. Shasta County has incorporated the following measures into the proposed project in the event of an unanticipated discovery: All work within 50 feet of a human remains discovery shall cease until the county's archaeologist can evaluate findings and make recommendations for mitigation as necessary. All work within 50' of any previously unevaluated cultural resources discovery shall cease until a qualified archaeologist can evaluate findings and make recommendations for mitigation as necessary.

(5) The proposed action is not known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat. Further, all work in waters shall be conducted in compliance with the terms and conditions of a Nationwide Permit to be obtained from the US Army Corps of Engineers, Water Quality Certification to be obtained from the Regional Water Quality Control Board (including a General Construction Activity Storm Water Permit) and a Lake and Streambed Alteration Agreement to be obtained from the California Department of Fish and Game.

(6) The proposed action is not known or expected to cause significant adverse air quality effects.

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

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

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

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

#### **Finding**

EPA Region 9 finds the proposed action conforms to the category of actions eligible for exclusion from detailed environmental review under 40 CFR §6.204(a)(1)(ii) and will not involve any extraordinary circumstances. Accordingly, EPA Region 9 will not prepare an environmental impact statement or an environmental assessment for the proposed project. EPA Region 9 may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

This categorical exclusion is final upon signature by the Division Director. EPA Region 9 will not circulate this categorical exclusion for review, but will make it available to any individual upon request.

Alexis Strauss  
Alexis Strauss  
Director, Water Division

23 July 2010  
Date