

PROPOSED FINDING OF NO SIGNIFICANT IMPACT
Martin Slough Interceptor Project for the City of Eureka
City of Eureka, California

PROPOSED ACTION

The U.S. Environmental Protection Agency (EPA) proposes to disburse funding authorized by Congress to assist the City of Eureka, California (City) to design the Martin Slough Interceptor Project. If separate federal funding is released for construction of the project, project impacts may be subject to additional consideration by EPA and other federal and state agencies in the future.

The Project will include new wastewater collection and conveyance components within an existing public wastewater system that will increase the reliability of the system for avoiding wastewater overflows. Proposed major components include new collector lines connecting up to sixteen existing lift stations to a new gravity wastewater collector pipeline (the “interceptor”), a new pump station, a new force main, and appurtenant improvements.

PURPOSE AND NEED FOR THE PROPOSED PROJECT

The purpose of the project is to protect human health and the Humboldt Bay ecosystem. The overall objective for the Martin Slough Interceptor Project is to develop a wastewater collection and conveyance project that reduces the incidences of sanitary sewer system overflows in the Martin Slough basin, thereby avoiding reductions in water quality in the aquatic environment near the City, as well as improving the cost-effectiveness of system operations.

ENVIRONMENTAL CONSEQUENCES

In accordance with the National Environmental Policy Act (NEPA), an environmental assessment (EA) was prepared to examine the environmental impacts of the proposed project. An EA determines significance of impacts and whether an environmental impact statement (EIS) is required or a finding of no significant impact (FNSI) may be issued. The City also completed an environmental impact report (EIR) under the California Environmental Quality Act (CEQA).

Detailed impact analyses are contained in the EA, and a summary of potential impacts and required mitigation measures is provided below. All potentially significant effects of the project can be reduced to less-than-significant levels by mitigation measures. (If during the course of final design potentially significant unmitigated impacts are identified, additional NEPA review may be required.) Preliminary project design and the associated environmental review have resulted in a project that will incorporate a number of mitigation measures in the following areas:

Cumulative Effects Related to Runoff Intensification and Water Quality. These indirect (or secondary) effects will occur within the Martin Slough basin and the Humboldt Bay watershed because of the effects of development authorized by adopted land use plans, including areas for which the City lacks jurisdiction to prescribe mitigation measures.

Following the completion of the EIR public review process, the City consulted further with the County of Humboldt regarding the County's approach to managing the runoff-related future effects of the development that will be served by the project. The County signaled its intention to adopt development-review requirements that were as protective as those required by the City. On the basis of the proposed approach identified by the County of Humboldt, the City revised the conclusion of significance regarding indirect effects when formulating the Final EIR for the project. Consequently the potential cumulative and indirect effects of the proposed project on hydrological and water quality changes that may be associated with future development are currently considered not to be environmentally significant.

Temporal Loss of Riparian Forested Wetland Functions. The Proposed Project will result in construction-related temporary losses of habitat functions in approximately five acres of riparian forested wetland. Because of the mitigation measures identified in the project EIR, there will be no long-term loss of riparian forested wetland area; however, the short-term loss of wetland functions resulting from project construction was identified as an environmentally significant effect under criteria identified by the U. S. Army Corps of Engineers as applicable for identifying environmental effects pursuant to the federal Clean Water Act.

This issue will be further addressed during the permitting activities for the project, when the Corps application-review process is conducted; as noted above, feasible mitigation measures for the temporal loss of wetland functions are available, and the effect will not be environmentally significant.

Cumulative Loss of Wetland Functions: The project participates in a cumulatively significant national and statewide impact on wetland functions, mediated through a combination of short-term direct effects (i.e., effects resulting from construction and other project-related changes) and longer-term indirect effects (i.e., effects result from development facilitated by the project, including the water-quality-related effects identified above).

Because the finding for a significant cumulative effect is based on the finding for a project-specific effect, and the project-specific effect is considered as likely to be reduced to a level of non-significance during the Corps review process, the project's participation in a cumulative effect will also be reduced to a level of non-significance as a consequence of the additional measures incorporated during the Corps review process.

Direct Traffic Effects of Construction Vehicles: The project will require the transportation of a large volume of excess soils materials to a yet-unknown disposal site. The haul route and disposal site will be determined during final project design. The effects of this traffic

on local circulation and roadways are considered likely to be significant. A traffic management plan will be developed and mitigation measures will be identified and conducted that are anticipated to reduce these short term impacts below the threshold of significance.

Construction-Related Noise Effects: The proximity of some construction activities to residential and commercial land uses will result in exposing some of these uses to sound levels in excess of the noise standards in adopted land use documents. With the identified mitigation measures, these short term direct effects are anticipated to be reduced to a level of non-significance.

Potential Effects on Sensitive Fish Species: Project construction has a potential for directly affecting fish species listed under federal or state Endangered Species Acts, through pollutants in the construction zone that subsequently enter the aquatic environment. The proposed project also has a potential for indirectly affecting these species, through the delivery of pollutants in runoff from newly urbanized areas, and through hydrological alterations that result from increased impervious surface area associated with development. The most important pollutant associated with construction is mobilized sediment, which would adversely affect environmentally sensitive fish species and their habitats.

The City, in consultation with state and federal regulatory agencies, has identified, and incorporated into the preliminary project design, measures that will avoid, reduce, or offset the project-related effects on sensitive fish species and their habitats. Further consultations, particularly under the requirements of the federal ESA, are anticipated when the project design has been advanced sufficiently to allow the City to apply for permits; additional mitigation requirements identified during these future consultations, if any, will be incorporated into the project's final design and construction to address the project's direct, construction-related effects. Thus the finding can be made that the project will not have adverse direct effects on sensitive aquatic species within the Humboldt Bay watershed.

The City of Eureka has stated that the potential indirect effects on the project on aquatic ecosystems and sensitive aquatic species have been, and are being, addressed by both City of Eureka and County of Humboldt approaches to runoff management that will be required in areas that will be developed in the future. The City and the County are each working with federal and state fisheries agencies to identify suitable land use practices and development standards that will be applied to the project area, which will avoid, minimize, or offset the indirect and cumulative effects of urbanization on sensitive species and their habitats.

The preliminary consultations have resulted in the determination by NOAA Fisheries, Arcata office, that the "consultation" required pursuant to Section 7 of the ESA will occur when the Army Corps permit application for project construction is sought by the City. The consultation, and any resulting Incidental Take Permit or other authorization to affect listed fish species, will apply to both the City and the Corps. Any necessary additional mitigation to avoid a jeopardy determination for the project reviewed by the Corps will be

incorporated into the Corps' project approval. The finding can be made that the project will not have adverse indirect effects on sensitive aquatic species within the Humboldt Bay watershed.

Potential Effects on Terrestrial Plant and Wildlife Species: The Proposed Project may affect sensitive terrestrial plant and wildlife species. The City, in consultation with state and federal regulatory agencies, has incorporated measures into preliminary project design that will avoid, reduce, or offset the project-related effects on terrestrial plant and wildlife species; no significant effects to any terrestrial species considered sensitive under state or federal law are expected.

Cultural Resources: No significant prehistoric cultural resources were identified by the project-specific cultural resources investigation within the project's potential areas of direct impact. None of the known and recorded archaeological properties within the regional context would be affected by construction of the project. Representatives of local Native American communities, who were consulted for the EIR investigation and who reviewed the proposed project alignments and toured the project area, identified no significant cultural sites within areas potentially affected by the project. Because of the general archaeological sensitivity of the surrounding regional context, however, there is a slight possibility that additional buried archaeological materials may be encountered during construction operations within the project area. Construction documents will include appropriate requirements for archaeological monitoring and stopping work if unknown materials are encountered. With these measures, the potential for affecting unknown but potentially significant sites is found to be not a significant impact.

Project construction, including excavation and other ground-disturbing activities, could adversely affect the historic "Lorenson Ranch" property, which is an historical property potentially eligible for the California Register of Historical Resources near the alignment of the interceptor pipeline. The eligibility of the structure for the National Register of Historic Places has not been determined. Mitigation measures, including provisions for specified construction techniques, have been identified and will be incorporated into construction documents to avoid significant effects on the structure or its setting.

Applicable Permits: The City will comply with all applicable permits including the general storm water permit for construction activities and the current wastewater treatment plant permit.

CONCLUSION

The EA did not identify any significant and unmitigated environmental impacts resulting from the implementation of the proposed project. Consequently, EPA has made the preliminary decision to prepare this finding of no significant impact (FNSI) and not to prepare an environmental impact statement.

PUBLIC REVIEW

The EA can be viewed on the EPA website at <http://www.epa.gov/region09/water/eureka>. The EA is also available for public inspection at the EPA Region IX Office at 75 Hawthorne Street, San Francisco, CA. To make an appointment to review the EA at this office or to obtain additional information about the project, please contact Ephraim D. Leon-Guerrero at (415) 972-3444 or email at leon-guerrero.ephraim@epa.gov. Copies of the EA are also available for public review at the City of Eureka Community Development Department in Eureka City Hall, located at 531 "K" Street, Eureka CA, between the hours of 8 am and 5 pm Monday through Friday, and at the Humboldt County Library located at 1313 Third Street, Eureka, CA.

Interested persons may submit comments to EPA within 30 calendar days of publication of the Notice of Availability in the newspaper. No administrative action will be taken by EPA on this project during the comment period. Comments should be: (1) mailed to Ephraim D. Leon-Guerrero U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (WTR-3), San Francisco, CA 94105; (2) faxed to Ephraim D. Leon-Guerrero at (415) 947-3537; or e-mailed to leon-guerrero.ephraim@epa.gov.

After EPA assesses any comments received, those comments, EPA responses, and this FNSI will be submitted to the EPA Region IX Regional Administrator for review and signature. If this FNSI is signed by the Regional Administrator, it will not be re-circulated for review but will be available to any individual upon request.

FINDING

After review of the environmental assessment and comments received, the Environmental Protection Agency has determined that the proposed project will not have significant and unmitigated environmental impacts and that an environmental impact statement will not be prepared for the project.

Wayne Nastri

Regional Administrator

Date