



U.S. DEPARTMENT OF COMMERCE

Economic Development Administration
Jackson Federal Building, Room 1890
915 Second Avenue
Seattle, Washington 98174
Fax: (206) 220-7669

Date: August 10, 2022

To: SRO Project File – Scotts Valley Band of Pomo Indians, Upper Lake, Lake County, California, #07-79-07842

From: Rowena DeFato/REO

Subject: Scotts Valley Forest Biomass Management and Economic / Jobs Development Project; DOC Categorical Exclusion A-2, Record of Environmental Consideration

Project Description

The project site is located 1,000 feet southwest of the intersection of SR 20 with Old Lucerne Road., immediately southeast of the community of Upper Lake in central Lake County, California (Attachment A). The project site is flat, ranging from 1,334 feet above mean sea level (msl) in the northwestern corner to 1,330 feet msl along the southern side of the overall 5-acre site. The site was historically developed for agriculture, with a vineyard the most recent use.

The proposed project would install an approximately 600 linear-foot chain link fence to form an approximately 200-foot x 100-foot biomass processing area enclosure with access gates. Ground disturbance for fence installation would be limited to the digging of approximately sixty 4-inch holes, set approximately 10 feet apart. Within the fenced area, a temporary, 5,000 square-foot (sf) structure composed of four shipping containers and a hoop tent would be constructed with the containers serving as both walls for the hoop tent shelter and as on-site storage. No foundation would be used for placement of this proposed structure. The project would take approximately three months to complete.

Construction activities would involve clearing and grubbing activities including the removal of existing blackberry bushes from the site, fence installation limited to holes needed for fence posts, and placement of the proposed shipping containers and hoop tent onto the site. Total construction related land disturbance would be approximately 0.46 acre or less. Rock will be used for leveling in place of most grading. No further construction is proposed.

The proposed project also includes the procurement of equipment (Table 1). This equipment would be stored and operated within the biomass processing area and/or the hoop tent storage area. Mobile equipment would have wheels, further limiting ground disturbance.

When fully operational, the project would transform wood derived from forest thinning from multiple locations across Lake County into various saleable wood products including firewood, landscaping products, biochar, and intermediate products used for the downstream production of fuel pellets, engineered wood, and various other wood-based products. Raw and processed biomass would be temporarily stored within the overall larger project area

Table 1 Equipment List

Equipment Type	Application
Grinder / Shredder (SSI Shredder M85 Electric)	Biomass Processing
Wheel Loader (Cat 914, 2.5 cubic yard)	Biomass handling
Tracked Grapple Loader (John Deere 337E and Rotobec 6007 grapple with RT-222 Rotator)	Biomass handling
Skid-steer / articulated loader (Bobcat S590 loader with 62" industrial grapple bucket)	Biomass handling
Trommel Screen (McCloskey International 512A)	Biomass processing
Crumbler Feed Bin (20 cubic yard)	Biomass processing
Rotary Shear Mill (Crumbler P24 System)	Biomass processing
Orbital Screen System (BM&M Super Screen, 2 deck, 5 x 12)	Biomass processing
Firewood Processor (Multitek 1610 with electric driver)	Biomass processing (firewood)
Firewood Bundler (Multitek wrapper / bundler)	Biomass processing (firewood)
Conveyors (fixed and movable)	Biomass processing
Biochar handling and packaging	Biomass processing
Chip van (120 cubic yard, 48-foot trailer, 4)	Biomass transport
48-foot flatbed trailer	Biomass transport
Fuel tank	Site equipment
Truck Scale, non-permanent (Optima Scale OP-100 Truck Scale)	Biomass inhaul / outhaul and product measurement
Fabric Membrane Structure (5,000 square foot hoop tent with storage container walls)	Equipment non-permanent housing
Generator Set (2G Energy)	Biomass processing / on site energy production
Artis Units (Omni Bioenergy)	Biomass processing / on site energy production
Artis Power Electronics Upgrade (Omni Bioenergy)	Biomass processing / on site energy production
Shipping	Equipment procurement / setup
Equipment assembly, integration, and testing	Equipment procurement / setup
Mobile office trailer (20-foot length)	Site operation support / administration
Water Truck	Biomass processing / dust management

Biomass would be hauled to and from the site via truck along an existing, unnamed road immediately west of the project site. Maintenance of equipment, as well as periodic maintenance and upkeep for the proposed hoop tent and fence, would be completed intermittently as needed during project operation.

Vehicles would enter through a gate in the processing area, located near the southern edge of the processing area, and would access this gate via an existing gravel pad that is located along the southern edge of the project area. Incoming vehicles would proceed through the gate to be weighed, then proceed forward for loading, turnaround, and weighing on their way out of the facility.

NHPA Section 106 Consultation/Determination

The Tribe completed a review of its internal records and contacted key representatives from other area tribes to identify potential historic, archaeological, or cultural resources within the area of potential effect (APE) for the project site. The APE is defined as the 5-acre project site (Attachment B). No relevant historic, archaeological, or cultural resources were identified within the project's APE. The historically and culturally significant Bloody Island site is located approximately 0.6 mile southeast of the project site.

The Battle of Bloody Island site was listed as a California Historical Resource in March 1949. Located on private property, the site is marked with a historical marker at the intersection of SR 20 and Reclamation Road. The site is the location of a military attack on the Clear Lake Pomo in retribution for the death of two landholders who had gravely mistreated the Pomo. Historical records indicate that 40 or more Pomo were killed, most of whom were women and children.

Based on communications with local registered professional archaeologist Dr. John Parker, the remains of those killed were burned / buried on the east side of the creek that winds around the east side of the island. Soil, including levee soil, located near the island could contain cultural material. The levees in question are located at least 0.5 mile from the project's APE, and the project is not expected to affect these sensitive areas. However, since the Tribe has determined that there is potential for cultural materials to be located on the proposed project site, the Tribe proposes to conduct cultural monitoring during the construction process and implement Mitigation Measures CUL-1 and CUL-2 (refer to the Mitigation section of this document).

California SHPO Consultation

EDA requested consultation under Section 106 with the California SHPO by submitting a letter and relevant documents via the SHPO portal on May 12, 2022. SHPO concurred with the determination of no historic properties affected in a letter dated June 8, 2022.

Tribal Consultations

The Scotts Valley Band of Pomo Indians (SVPI) reviewed their files and contacted other tribes. They did not, however, request formal consultations with other local tribal bands residing in Lake County. The SVBPI's staff has made a brief project presentation at an informal meeting in which a few of the local tribal Environmental Directors were in attendance. The SVBPI has not received any comments of concern about the proposed project.

Table 2 Outreach from SVBPI to Tribal and Other Interested Parties

Date	Subject	Participants*
7/22/2021	Planning Grant for Env Ed Ctr/Lab/Native Plant Nursery/BioChar in Upper Lake	HPUL, RRA, CLERC, SVBPI
7/23/2021	Planning Grant for Env Ed Ctr/Lab/Native Plant Nursery/BioChar in Upper Lake	Added LC Water Resources
7/26/21	Planning Grant for Environmental Ed Ctr/Lab/Native Plant Nursery/BioChar Mtg	HPUL, RRA, CLERC, SVBPI, LCWR
7/30/2021	RE: Biochar Project planning letters of intent / commitment	HPUL, RRA, CLERC, SVBPI, LCWR
7/30/2021	CA Resilience Challenge Grant Planning Mtg 2	HPUL, RRA, CLERC, SVBPI, LCWR, TERA
8/17/2021	UL Environmental Ed/BioChar/Nursery discussion	HPUL, RRA, CLERC, SVBPI, LCWR, TERA
8/27/2021	UL EnvEd/BioChar/Nursery proposal paragraph meeting	HPUL, RRA, CLERC, SVBPI, LCWR, TERA
1/7/2022	741 E Hwy 20 Env report?	RRA, HPUL, Wolfcreek Archaeology
1/7/2022	741 E Hwy 20 Env report?	RRA, HPUL, Wolfcreek Archaeology
1/12/2022	Call w/HPUL THPO	HPUL
1/12/2022	TEAMS meeting with Robert Geary re: EDA question	HPUL
* HPUL = Habematolel Pomo of Upper Lake; RRA = Lake County Community Risk Reduction Authority CLERC = Clear Lake Environmental Research Center; SVBPI = Scotts Valley Band of Pomo Indians (Applicant); TERA = Tribal EcoRestoration Alliance		

EDA submitted an information request under Section 106 to the Native American Heritage Commission via their electronic portal on May 12, 2022. The NAHC responded that a search of their Sacred Lands File (SLF) was completed using the project information submitted by EDA. The results were negative.

In addition to searching the SLF, the NAHC provided a list of potentially interested tribes. The EDA sent initial consultation letters to all tribes identified by the NAHC as having ancestral ties to the project area as well as tribes identified by the HUD TDAT database.

Responses were received from Habematolel Pomo of Upper Lake, Middletown Rancheria, and Yocha Dehe. The Yocha Dehe deferred to the Habematolel Pomo of Upper Lake. Middletown Rancheria was interested in the location of the proposed project for future options of biomass energy generation.

Habematolel Pomo of Upper Lake

EDA received letter from the Habematolel Pomo of Upper Lake Cultural Resources Department dated July 27, 2022, which followed a phone call from Mr. Robert Geary, Cultural Resources Director, Tribal Historic Preservation Officer. The letter informed the EDA that upon review of the proposed project, the Cultural Resources Department determined that the project site is within their Aboriginal territories, and they have a cultural interest and authority in the proposed project area. The Tribe also requested a formal consultation with EDA and the SVBPI. EDA informed the SHPO of the request and provided a copy of the letter via the submittal portal. A subsequent submittal was made to SHPO following the consultation.

The consultation took place via a Teams call on August 3, 2022. The Habematolel Pomo of Upper Lake have information that the area of the proposed project is sensitive for cultural resources. Artifacts have been found on the adjacent property near Highway 20. The following items and actions were requested to be taken into consideration as the project moves to construction:

- SVBPI will provide a detailed description of all ground disturbing activities including depth and area to Mr. Robert Geary and his team. This will include details on the installation and function of the ground screws planned to be used to secure equipment, and installation of site lighting.
- An Unanticipated Discovery Plan will be developed and agreed to by both the SVBPI and the Habematolel Pomo of Upper Lake.
- Sensitivity Training will be developed and conducted for on-site workers.
- Tribal Monitor(s) will be in place during earth-disturbing activities.
- Members of the Habematolel Pomo of Upper Lake will be given access to the site to survey for cultural resources prior to construction.
- EDA will include Specific Award Conditions where appropriate.
- The SVBPI and the Habematolel Pomo of Upper Lake will work together to identify mitigation measures.

Subsequently, SVBPI has agreed to increase cultural monitoring oversight during the proposed project. The Habematolel Pomo will provide contracted cultural resources staff to the project to support additional cultural sensitivity training and oversight. In addition, SVBPI agrees to adhere to the Habematolel Pomo Cultural Resources Protocol (Attachment B) during project implementation.

Consultation documents are provided as Attachment B.

Wetlands

No wetland vegetation has been noted on the proposed project site. There is, however, a potentially jurisdictional agricultural drainage located on the western side of the access road adjacent to the project site. Vegetation associated with that swale can be viewed in Figures 9 and 10 (Attachment C). The feature is also shown on the US Fish and Wildlife Service's National Wetlands Inventory (NWI) mapper, as shown on Figure 11 (Attachment C).

Based on data provided by the NWI mapper, the offsite drainage is classified as follows:

- A Palustrine System, which includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
- Emergent (EM) Class: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.
- Persistent (1) Subclass: Dominated by species that normally remain standing at least until the beginning of the next growing season.
- Seasonally Flooded (C) Water Regime: Surface water is present for extended periods especially early in the growing season but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

Project activities would not interfere with or impact the existing agricultural drainage. All project related activities would take place to the east of the existing agricultural drainage ditch. Moreover, to ensure that no impacts to the drainage would occur, all project construction activity would be located at least 100 feet east of the existing drainage ditch.

Additionally, all biomass storage areas, which are located outside of the processing area, would be set back at least 100 feet from the drainage. Access to the project site would be via an existing gravel pad that is located along the southern edge of the project site to avoid the need for additional land disturbance in proximity to the agricultural ditch.

Floodplains

The proposed project site is not within a 100-year flood zone or within a 500-year flood zone, although the boundary of the 500-year floodplain is near the southern boundary of the project area (Attachment D). The project would not cause or directly or indirectly result in any placement of fill, use, or other activities in a FEMA-delineated floodplain. As a result, the project would not be affected by, nor would it affect, a 100-year or a 500-year floodplain. While Lake County does participate in the National Flood Insurance Program, the project would not be required to purchase flood insurance.

The proposed project does not involve property acquisition, management, construction, or improvements within the 100-year floodplain (Zones A or V) identified by FEMA maps and does not involve a "critical action" (e.g., emergency facilities) within a 500-year floodplain (Zone B).

Climate Change

Drawing on information provided in the National Climate Assessment including FEMA's National Risk Index, Lake County, and the census tract where the project is proposed (06033000100) score in the Relatively High category for risks, including those affected by climate change. More specifically, this area is expected to suffer a relatively high expected annual loss, with a relatively moderate social vulnerability and relatively low community resilience.

Key risk categories that contribute to the Relatively High determination include the following: drought (score of 28.22), earthquake (37.8), and wildfire (30.40). Climate change has the potential to contribute to / exacerbate both drought and wildfire incidence. The project requires limited volumes of water to operate and would not be substantially affected by drought, nor would it result in excessive consumption or use of water, and therefore would not exacerbate the local effects of drought (Attachment E).

The project would potentially be susceptible to wildfire. However, the project is designed to help mitigate wildfire threat within the Lake County region. The proposed project would help advance forest thinning / fuel reduction efforts regionally within Lake County, resulting in reduced forest fire risk for these areas. The project would also help to create new demand for wood harvested during forest thinning, thereby resulting in improved economics for local / regional forest thinning efforts. Moreover, the project would also result in the generation of renewable bioenergy on site as a coproduct during the production of biochar. Renewable bioenergy would be generated using a portion of the incoming biomass, and the electricity generated would be used to operate on site equipment and, if sufficient electricity is available, it would be sold back onto the grid as renewable power.

Moreover, all stationary equipment would be operated using electricity rather than fossil fuels, which would help to reduce the greenhouse gas (GHG) emissions footprint of project operations. Forest thinning related reductions in wildfire risk also have significant potential to reduce GHG emissions by reducing potential for additional catastrophic wildfires in Lake County, which to date have already released millions of tons of carbon dioxide and other air pollutants. Therefore, the project is expected to result in a net benefit with respect to potential impacts of climate change and would contribute to an incremental net reduction in climate related impacts.

ESA Section 7 Determination

The US Fish and Wildlife Service Information for Planning and Consultation (IPaC) database was queried on May 12, 2022, for special status species that may occur in or near the project area (Table 3).

Table 3: Species Potentially Affected by Project Activities

Common Name	Scientific Name	ESA Listing Status	Critical Habitat
Insects			
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate	None designated
Birds			
Northern Spotted Owl	<i>Strix occidentalis caurina</i>	Threatened	Final designated
Fishes			
Delta Smelt	<i>Hypomesus transpacificus</i>	Threatened	Final designated
Flowering Plants			
Burke's Goldfields	<i>Lasthenia burkei</i>	Endangered	None designated

There are no critical habitats within the project area.

In addition to the above-listed species, certain birds are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The birds listed in this section of the IPaC Report are of particular concern either

because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in the location of the proposed project. The Species List generated for the proposed project did not list any migratory birds. However, the IPaC resources list contained the following species:

- **Bald Eagle** (*Haliaeetus leucocephalus*): This is not a Bird of Conservation Concern (BCC) in this area but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. Breeds January 1 to August 31.
- **California Thrasher** (*Toxostoma redivivum*): This is a BCC throughout its range in the continental USA and Alaska. Breeds January 1 to July 31.
- **Common Yellowthroat** (*Geothlypis trichas sinuosa*): This is a BCC only in particular Bird Conservation Regions (BCRs) in the continental USA. Breeds May 20 to July 31.
- **Golden Eagle** (*Aquila chrysaetos*): This is not a BCC in this area but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. Breeds January 1 to August 31.
- **Nuttall's Woodpecker** (*Picoides nuttallii*): This is a BCC only in particular Bird Conservation Regions (BCRs) in the continental USA. Breeds April 1 to July 20.
- **Oak Titmouse** (*Baeolophus inornatus*): This is a BCC throughout its range in the continental USA and Alaska. Breeds March 15 to July 15.
- **Olive-sided Flycatcher** (*Contopus cooperi*): This is a BCC throughout its range in the continental USA and Alaska. Breeds May 20 to August 31.
- **Tricolored Blackbird** (*Agelaius tricolor*): This is a BCC throughout its range in the continental USA and Alaska. Breeds March 15 to August 10.
- **Wrentit** (*Chamaea fasciata*): This is a BCC throughout its range in the continental USA and Alaska. Breeds March 15 to August 10.
- **Yellow-billed Magpie** (*Pica nuttalli*): This is a BCC throughout its range in the continental USA and Alaska. Breeds April 1 to July 31.

The Probability of Presence Summary included in the IPaC Report (or species list) provides data on the probability of these species being present in the area of the proposed project and whether this presence is during breeding season. This information can be used to tailor and schedule proposed project activities to avoid or minimize impacts to birds.

The proposed project site has been used for agricultural purposes for generations. Therefore, there are no trees on the site. Based upon the lack of habitat in the project area for the federally listed species as well as the lack of federal designated critical habitat in the project area, there would be “no effect” to federally listed species (Attachment F).

Other Species

Although not included in the project species list, information provided for the proposed project indicates that there is potential for the California Red-legged Frog (*Rana draytonii*) to be present in the area. This species occurs from sea level to elevations of about 1,500 meters (5,200 feet). It has been extirpated from 70 percent of its former range and now is found primarily in coastal drainages of central California, from Marin County, California, south to northern

Baja California, Mexico. Potential threats to the species include elimination or degradation of habitat from land development and land use activities and habitat invasion by non-native aquatic species.

California red-legged frogs have been observed using a variety of habitat types, including various aquatic, riparian, and upland habitats. They include, but are not limited to, ephemeral ponds, intermittent streams, seasonal wetlands, springs, seeps, permanent ponds, perennial creeks, manmade aquatic features, marshes, dune ponds, lagoons, riparian corridors, blackberry (*Rubus* spp.) thickets, nonnative annual grasslands, and oak savannas. They are found in both natural and manmade aquatic habitats and inhabit areas of diverse vegetation cover.

The ephemeral agricultural drainage located adjacent to the project site could potentially serve as low-quality habitat for this species. While the project would not impact, alter, or affect the existing drainage, implementation of Mitigation Measure BIO-1 would ensure that no damage to California red-legged frogs would occur (refer to the Mitigation section of this document).

Hazardous or Toxic Substances

The proposed project would result in storage of up to 500 gallons of petroleum diesel fuel using a proposed on-site diesel storage tank. The tank would be located aboveground with double walls and/or secondary containment sufficient to hold the entire volume of the tank when full. The tank would adhere to / comply with all local, state, and federal requirements and regulations relevant to the onsite temporary storage of diesel fuel. The project would also store minor amounts of lubricant oil (up to 55 gallons) for use in the project equipment. All spent oil would be immediately recycled. Handling of lubricant oil and diesel would be subject to all local, state, and federal regulations, and would be subject to standard operating procedures to ensure worker safety as well as minimize potential for spill or release of these pollutants into the environment.

Phase I Environmental Site Assessment, June 2013, Revised June 17, 2013

A Phase I Environmental Site Assessment (ESA) was conducted in anticipation of a commercial real estate transaction involving several parcels (26) covering 762 acres. The proposed project site was included in this work (Attachment G).

The Phase I ESA revealed no evidence of recognized environmental conditions (RECs) in connection with the 26 parcels; however, it did reveal some de minimis conditions: 1) barns and storage sheds with vehicle and equipment storage that could contain petroleum-stained soils; 2) septic systems; 3) wells; 4) Wilcox property former on-site sewer pond abandoned reportedly in 2001. Data gaps: ASTs, persistent pesticides, and DDT use (*Phase I Environmental Site Assessment, Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, Lake County, California*, GHD, Inc., June 2013; Revised June 17, 2013).

There are no significant impacts from hazardous or toxic substances from the implementation of the project.

Water Resources

The project site and its vicinity are underlain by groundwater resources. Nearby Clear Lake also provides a valuable water resource. The proposed project would draw limited volumes of water to support project operations - approximately 1.3 acre-feet per year. This volume is equivalent to the volume of water used by approximately two California households during a single year. This volume of water use would not impact or noticeably affect or deplete any locally available water supply.

Topography on the project site and its vicinity is generally level and was previously fine graded for agricultural use. The site has a gentle slope on site. Preliminary calculations for stormwater that would be collected by the hoop tent -

based on a 100-year storm event - were completed. Gutters sized at 4 inches were determined to be sufficient to contain stormwater flows. The originally proposed 20-foot trailer would be integrated into the hoop tent structure.

Gutters would be placed along the sides and the back (closed) end of the hoop tent to capture stormwater and route it away from the operations site. On-surface storm drainage conduit would be laid in an unused area of the project site. These pipes would take advantage of the gentle slope available on site and disperse water along the pipe array including through perforated pipes toward the ends of the array, to facilitate conveyance of water off site via sheet flow. This design avoids releasing concentrated flows onto the ground's surface, and mimics natural site drainage processes. There are no significant impacts to water resources from the proposed project (Attachment H).

Transportation

SVBPI would maintain sufficient gravel on the roadway to allow access year-round. During day-to-day operations, the facility would receive wood / biomass deliveries and pickups via mid- to heavy duty vehicles, typically of size class 5 to 6, occasionally of size class 7, and rarely of size class 8. Based on the proposed operations, it is anticipated that no more than four to six medium-to-heavy duty vehicle trips per day would be necessary for operations. Therefore, the site would not receive heavy traffic. Project operations would include adding rock to the gravel roadway on an as-needed basis to ensure that the road is fully operational and can handle targeted loads.

Air Quality

Dust Generation. The SVBI recognizes the need to minimize dust generation from truck traffic along the unpaved access road. To this end, the project design includes purchase and operation of a water truck. The water truck would be used during the dry season and/or whenever road conditions are dry enough that truck traffic along the unpaved access road could generate dust. During such periods, water would be applied to the road as needed to ensure that dust generation is avoided. The water truck would also be used on site as warranted to minimize dust generation for equipment and for transport trucks.

Odors. Potential for generation of odors would be very limited. Biomass activities that generate odors include the degradation or composting of biomass. Such activities would not occur on site. Microbial breakdown (e.g., composting) of the proposed wood products would be detrimental to their value. As a result, there would be an operational limit the storage period for wood products on site and wood products would be managed to avoid their breakdown and avoid the generation of odors. Incoming biomass feedstock would be composed only of forest thinning biomass and would not carry or generate odors. Splitting and chipping of incoming biomass could release natural and aromatics from fir and other evergreen vegetation, but any resulting scent would be faint/rapidly dissipating, and detectable only in very close proximity to the biomass operation. No further mitigation is warranted.

There are no significant impacts to air quality from project implementation. The project would not result in a cumulatively considerable net increase of a criteria pollutant under applicable federal or state ambient air quality standards.

Permits

The project would require a permit to operate from the Lake County Air Quality Management District. Construction of the proposed fence would require a county building permit. No other permits would be required.

The SVBI is coordinating with the County regarding the required CEQA process. Based on a preliminary review of the project, County environmental personnel noted that the project would most likely require completion of an Initial Study / Negative Declaration or an Initial Study / Mitigated Negative Declaration.

Public Notice

Regulations under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) require that the public be offered an opportunity to be informed of, and involved in, Federal actions that may significantly affect the quality of their environment before decisions are made to implement actions.

The NEPA notice was published in the Paper of Record, The Lake County Record-Bee. The Lake County Record-Bee published the notice three times on April 8th, 9th, and 12th, 2022 (Attachment I).

The SRO Regional Environmental Officer received no comments pertaining to the proposed project since the NEPA notice was published. There is no known controversy about the proposed project.

Mitigation

The following mitigation measures were described in the application Environmental Narrative revised June 2021.

Historic / Archaeological Resources

Mitigation Measure CUL-1. Cultural Resources Construction Monitoring. During all groundwork (e.g., installation of fence posts), a certified cultural monitor--a member of Scotts Valley Band of Pomo Indians and/or the Habematolel Pomo of Upper Lake (monitor), shall be continuously present onsite, to observe disturbance areas. The monitor shall halt work in the immediate vicinity if artifacts, exotic rock, shell, or bone are uncovered during the construction. In the event such cultural resources are unearthed during ground-disturbing activities, and the monitor is not in that location, the project operator shall cease all ground-disturbing activities within 50 feet of the find and immediately contact the monitor. Work shall not resume until the potential resource can be evaluated by the monitor. The monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find until the qualified monitor has evaluated the find, determined whether the find is culturally sensitive, and designed an appropriate short-term and long-term treatment plan. The significance of the find shall be determined by the monitor, in consultation with the Scotts Valley and Habematolel Bands of Pomo Indians. If determined to be significant the archaeologist shall prepare a treatment plan in consultation with local experts, Native American Representatives, and the County Planning & Development Services Department.

Mitigation Measure CUL-2. Discovery of Unknown Resources. The project applicant shall continuously comply with the following requirement: In the event that unanticipated cultural or tribal cultural resources are encountered during the course of groundwork or construction, the project operator/contractor shall cease any ground-disturbing activities within 50 feet of the find. Cultural and/or tribal cultural resources may include prehistoric archaeological materials such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic materials such as glass, metal, wood, brick, or structural remnants. A certified cultural monitor shall evaluate the resource in consultation with the Scotts Valley and Habematolel Bands of Pomo Indians, and recommend treatment measures, as appropriate.

Wetlands

To ensure that no impacts to the drainage occur, all project construction activity would be located at least 100 feet east of the existing drainage ditch. Additionally, all biomass storage areas, which are located outside of the processing area, would also be set back at least 100 feet from the drainage. Access to the project site would be via an existing gravel pad that is located along the southern edge of the project site to avoid the need for additional land disturbance in proximity to the agricultural ditch.

Listed Species

Mitigation Measure BIO-1. Prior to project implementation, the Applicant shall retain a qualified biologist to complete a survey for the presence of California red legged frog and its suitable habitat. If the species or reasonably suitable habitat is found to be present, such that project construction could result in impact to the species, the Applicant shall adhere to the following measures:

- Project construction activities in potential red-legged frog habitat shall be restricted to the period between July 1 and October 15.
- Additional permitting and mitigation measures may be warranted in the event that red legged frogs are identified on site. Additional measures would be identified following the site survey and could include, but would not be limited to:
 - Prior to the onset of any project-related activities, the approved biologist must identify appropriate areas to receive red-legged frog adults and tadpoles from the project areas. These areas must be in proximity to the capture site, contain suitable habitat, not be affected by project activities, and be free of exotic predatory species (i.e. bullfrogs, crayfish) to the best of the biologist's knowledge.
 - A qualified biologist shall survey the project site at least two weeks before the onset of construction activities. If red-legged frogs are found in the project area and these individuals are likely to be killed or injured by work activities, the biologist will allow sufficient time to move them from the site before work activities resume. Only qualified biologists will participate in activities with the capture, handling, and monitoring of red-legged frogs.
 - Prior to the onset of project construction, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the red-legged frog and its habitat, the importance of the red-legged frog and its habitat, the general measures that are being implemented to conserve the red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
 - A qualified biologist shall be present at the work site until such time as removal of red-legged frogs, instruction of workers, and habitat disturbance has been completed. The biologist shall have the authority to halt construction as warranted.

Water Resources

SVBPI will have a qualified engineer from the project engineering team design all elements of the proposed on-site drainage system. The drainage system will be designed to meet all applicable state and county standards. In no case will water be discharged from the property untreated, nor will it be discharged improperly onto a neighboring property. All stormwater releases will comply with applicable state and local regulations and requirements.

Gravel Road

SVBPI will maintain the gravel access road on an ongoing basis to avoid, mitigate, minimize, and/or correct rut and pothole formation. The road surface will be adequately maintained so as not to be left as bare mud or dirt during any season. Similarly, all access areas on the biomass depot site will be rocked and underlain with road base sufficient to support the weight of biomass haul trucks and other vehicles/equipment. These elements of the project will ensure

that mud tracking, rutting, and other road stability issues are avoided for the duration of the proposed facility's lifetime.

Specific Award Conditions

To assure mitigation of potential environmental impacts, mitigation measures are used in the form of grant conditions. The following Specific Award Conditions are recommended for placement on the Grant Agreement as an addendum to the General Terms and Conditions:

- **TRIBAL MONITOR:** Thirty (30) days prior to earth-disturbing activities funded under the EDA grant, the Recipient shall provide evidence satisfactory to the EDA that the Habematolel Pomo of Upper Lake have been notified and will have a tribal monitor on-site during earth-disturbing activities.
- **ARCHEOLOGICAL AND HISTORICAL RESOURCES:** If during construction of the project, historical and archeological resources, including burial grounds and artifacts are discovered, the Recipient shall immediately stop construction in the area, contact the applicable State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), interested Tribes, and EDA, and follow the SHPO or THPO instructions for the preservation of resources.
- **CULTURAL SENSITIVITY TRAINING:** Prior to solicitation of bids for construction, the Recipient shall provide evidence satisfactory to the EDA that Cultural Sensitivity Training for site workers has been developed in consultation with the Habematolel Pomo of Upper Lake. Site workers shall receive the training prior to commencement of earth-disturbing activities.
- **INADVERTENT DISCOVERY PLAN:** Prior to the start of any construction and/or earth-disturbing activities, the Recipient shall provide evidence satisfactory to the EDA that an Unanticipated Discovery Plan or equivalent has been prepared for the project in cooperation with the Habematolel Pomo of Upper Lake. The Plan shall follow the requirements of the California SHPO and the Habematolel Pomo Cultural Resources Treatment Protocol. If inadvertent discoveries are made, no further work will be allowed on the project until the SHPO and THPO have approved a plan for managing or preserving artifacts or features; the SHPO and THPO will be notified of changes to the project scope.
- **WETLANDS PROTECTION:** The project shall be designed to keep at least a 100-foot buffer between construction activities and wetland areas. Construction best management practices shall be used to avoid impacts to adjacent wetlands.
- **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):** Prior to solicitation of bids, the Recipient shall provide evidence satisfactory to the EDA that the Recipient has completed all CEQA requirements.
- **MITIGATION:** The Recipient shall follow mitigation measures outlined in the application Environmental Narrative revised June 2021 and subsequent responses, the Habematolel Pomo Cultural Resources Treatment Protocol, and the Inadvertent Discovery Plan.

Categorical Exclusion Determination

Categorical Exclusion DOC A-2: New construction upon or improvement of land where all of the following conditions are met: (a) The site is in a developed area and/or a previously disturbed site, (b) The structure and proposed use are compatible with applicable Federal, Tribal, State, and local planning and zoning standards and consistent with Federally approved State coastal management programs, (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area, (d) The site and scale of construction or

improvement are consistent with those of existing, adjacent, or nearby buildings, and (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

The proposed project is new construction of an approximately 600 linear-foot chain link fence and a temporary, 5,000 square-foot (sf) structure composed of four shipping containers and a hoop tent to be used for a biomass management facility.

- a) The proposed project site was previously disturbed for agriculture, most recently a vineyard.
- b) The biomass processing facility is in an agricultural area of the county and is compatible with the surrounding land uses and zoning.
- c) Operation of the facility would not substantially increase the number of vehicles coming to the property or entering the area as no more than four to six medium-to-heavy duty vehicle trips per day are anticipated.
- d) The facility is consistent with surrounding development.
- e) The proposed project would not stress local infrastructure as the needs of the facility are well within the capacity of the surrounding infrastructure.

PREPARED BY:

Rowena DeFato, Regional Environmental Officer, Seattle Regional Office

Attachment A: Project Site

Attachment B: Historical and Archaeological Resources

Attachment C: Wetlands

Attachment D: Floodplains

Attachment E: Climate Change

Attachment F: Listed Species

Attachment G: Hazardous Materials

Attachment H: Water Resources

Attachment I: Public Notice